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THE ELIZABETHAN PARISH IN ITS  
ECCLESIASTICAL AND FINAN-  
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JOHNS HOPKINS UNIVERSITY STUDIES  
IN  
HISTORICAL AND POLITICAL SCIENCE

Under the Direction of the  
Departments of History, Political Economy, and  
Political Science

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THE ELIZABETHAN PARISH IN ITS  
ECCLESIASTICAL AND FINAN-  
CIAL ASPECTS

BY  
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CIRCULATION DEPARTMENT

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## PREFACE.

These chapters are but part of a larger work on the Elizabethan parish designed to cover all the aspects of parish government. There is need of a comprehensive study of the parish institutions of this period, owing to the fact that no modern work exists that in any thorough way pretends to discuss the subject. The work of Toulmin Smith was written to defend a theory, while the recent history of Mr. and Mrs. Webb deals in the main with the parish subsequent to the year 1688. The material already in print for such a study is very voluminous, the accumulation of texts having progressed more rapidly than the use of them by scholars.

My subject was suggested to me by Professor Vincent, to whom as well as to Professor Andrews I am indebted for advice and assistance throughout this work. In England I have to thank Messrs. Sidney Webb, Hubert Hall and George Unwin, of the London School of Economics, for reading manuscript and suggesting improvements. For similar help and for reference to new material my acknowledgments are due to Mr. C. H. Firth, Regius Professor of Modern History, Oxford, and to Mr. C. R. L. Fletcher, of Magdalen College. At the British Museum I found the officials most courteous, while the librarians of the Peabody Institute, Baltimore, have given me every aid in their power.



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# THE ELIZABETHAN PARISH IN ITS ECCLESIASTICAL AND FINANCIAL ASPECTS.

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## CHAPTER I.

### THE ECCLESIASTICAL GOVERNMENT OF THE PARISH.

The ecclesiastical administration of the English parish from the period of the Reformation down to the outbreak of the great Civil War is a subject which has been much neglected by historians of local institutions. Yet during the reign of Elizabeth, at least, the church courts took as large a share in parish government as did the justices of the peace. Not only were there many obligations enforced by the ordinaries which today would be purely civil in character, but to contemporaries the maintenance of the church fabric and furniture appeared every whit as important as the repairing of roads and bridges; while the obligation to attend church and receive communion was on a par with that to attend musters, but with this difference, that the former requirement affected all alike, while the latter applied to comparatively few of the parishioners.

In the theory of the times, indeed, every member of the commonwealth was also a member of the Church of England, and conversely. Allegiance to both was, according to the simile of the Elizabethan divine, in its nature as indistinguishable as are the sides of a triangle, of which any line indifferently may form a side or a base according to the angle of approach of the observer.<sup>1</sup> The Queen was head of the commonwealth ecclesiastical as well as of the commonwealth civil, and as well apprized of her spiritual as of her temporal judges.<sup>2</sup> For both sets of judges equally

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<sup>1</sup> Richard Hooker, *Ecclesiastical Polity*, Bk. viii, 448-9 (ed. 1666).

<sup>2</sup> Coke, 4 *Inst.*, 320 (ed. 1797).

Parliament legislated, or sanctioned legislation. Sometimes, in fact, it became a mere matter of expediency whether a court Christian or a common law tribunal should be charged with the enforcement of legislation on parochial matters. Thus the provisions of the Rubric of the Book of Common Prayer were enforced by the justices as well as by the ordinaries. Again, secular and ecclesiastical judges had concurrent jurisdiction over church attendance, and—at any rate between 1572 and 1597<sup>3</sup>—over the care of the parish poor. Finally, it must not be supposed that the men who actually sat as judges in the archdeacon's or the bishop's court were necessarily in orders. In point of fact a large proportion, perhaps a large majority of them, were laymen, since the act of Henry VIII in 1545 permitted married civilians to exercise ecclesiastical jurisdiction.<sup>4</sup>

In the treatment of our subject the plan we shall follow is, first, to make some preliminary observations as to the times, places and modes of holding the church courts; second, with the aid of illustrations drawn from the act-books of these courts, to show how their judicial administration was exercised over the parish, either through the medium of the parish officers or directly upon the parishioners themselves; third, to analyze the means at the command of the ecclesiastical judges to enforce their decrees; and, finally,

<sup>3</sup> See 14 Eliz. c. 5, sec. 16, and 39 Eliz. c. 3.

<sup>4</sup> 37 Hen. VIII, c. 17, re-enacted 1 Eliz. c. 1. "The real effect of the statute was this—that lay lawyers were substituted for the clerical canonists of pre-Reformation times." Lewis T. Dibden, *An Historical Inquiry into the Status of the Ecclesiastical Courts* (1882), 59. By canon cxxvii of the Canons of 1604 in order to be a chancellor, a commissary, or an official in the courts Christian, a man must be "*ad minimum magister artium, aut in jure bacalareus, ac in praxi et causis forensibus laudabiliter exercitatus*." E. Cardwell, *Synodalia* (etc.), i, 236. Cf. Blomefield, *Hist. of Norfolk*, iii, 655–6 (Parker's report, 1563. Officials of the archdeacons not required to be in orders). E. Cardwell, *Documentary Annals of the Reformed Church of England*, i, 426 (Complaint in a document of circa 1584 [or later] that excommunication is executed by laymen. In the answer by the bishops it is stated [*ibid.*, 428] *inter alia*, "that in later times, divines have wholly employed themselves to divinity and not to the proceedings and study of the law"). To the same effect, but for a later period, see White Kennett, *Parochial Antiquities* (Oxon. ed. 1695), 642.

to point out that from its very nature the exercise of spiritual jurisdiction was liable to abuses, and must at all times have proved unpopular.

Speaking generally (for the jurisdictions called "peculiar" formed exceptions), England was divided for the purposes of local ecclesiastical administration and discipline into archdeaconries, each comprising a varying number of parishes. Twice a year as a rule the archdeacon, or his official in his place, held a visitation or kept a general court (the two terms being synonymous) in the church of some market town—not always the same—of the archdeaconry. The usual times for these visitations were Easter and Michaelmas. The bishops also commonly held visitations in person, or by vicars-general or chancellors, once every third year throughout their dioceses. Yet at the semi-annual visitations of the archdeacon as well as at the triennial visitations of the bishop, the mode of procedure, the class of offences, the parish officers summoned, the discipline exercised—all were the same, the bishop's court being simply substituted for the time being for that of the archdeacon.

There were other visitations: those of the Queen's High Commissioners, and those of the Metropolitan. There were a very great number of other courts, but for the purposes of the every-day ecclesiastical governance of the parish the two classes of courts or visitations above mentioned are all that need concern us. It is, however, important to state, that while churchwardens and sidemen were *compelled* to attend the two general courts of the archdeacon (and of course the bishop's court) and to write out on each occasion formal lists of offenders and offences ("presentments" or "detections") these parish officers might also at any time make *voluntary* presentments to the archdeacons. Those functionaries, in fact, seem to have held sittings for the transaction of current business, or of matters which could not be terminated at the visitation, every month, or even every three weeks. Others may have sat (as we

should say of a common-law judge) in chambers.<sup>5</sup> Before each general visitation an apparitor or summoner of the court went about and gave warning to the churchwardens of some half-dozen parishes, more or less, to be in attendance with other parish officers on a day fixed in some church centrally located in respect of the parishes selected for that day's visitation.

The church of each parish was, indeed, not only its place for worship, but also the seat and centre for the transaction of all business concerning the parish. In it, according to law, the minister had to read aloud from time to time articles of inquiry founded on the Queen's or the diocesan's injunctions, and to admonish wardens and sidemen to present offences under these articles at the next visitation.<sup>6</sup> In it also he gave monition for the annual choice of collectors for the poor;<sup>7</sup> warning for the yearly perambulation of the parish bounds;<sup>8</sup> and public announcement of the six certain days on which each year every parishioner had to attend in

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<sup>5</sup> Harrison, writing in 1577, says that archdeacons keep, beside two visitations or synods yearly, "their ordinarie courts which are holden within so manie or more of their several deaneries by themselves or their officials once in a moneth at the least." Harrison, *Description of England*, Bk. ii, *New Shakespeare Soc.* for 1877 (ed. Dr. Furnivall), p. 17. Between 27th Nov., 1639, and 28th Nov., 1640, there were thirty sittings in the court of the Archdeacon of London. Hale, *Crim. Prec.*, introd. p. liii. Any casual inspection of the visitation act-books reveals the fact that the judge sits either in court or in chambers between visitations, for offenders are constantly ordered to appear again in a few days or in a few weeks. Compulsory presentments were, however, limited by law and custom to two courts a year. See canons 116 and 117 of the Canons of 1604. Also Gibson, *Codex*, ii, 1001.

<sup>6</sup> See p. 18 and p. 20 *infra*. For the duty to read the injunctions or the articles based on them see p. 32 *infra*.

<sup>7</sup> See 5 Eliz. c. 3. *Stats. of the Realm*, iv, Pt. i, 411. Also Visitation of Warrington Deanery in 1592 by the Bishop of Chester in *Lancashire and Cheshire Historic Soc. Trans.*, n. s., x (1895), 186 *et passim*. Hereinafter cited as *Warrington Deanery Visit.* Cf. also Grindal's Injunc. for the Province of York (1571), art. 17, *Remains of Grindal*, *Parker Soc.*, 132 ff.

<sup>8</sup> See Visitations of the Archdeacon of Canterbury, *Archaeologia Cantiana*, xxvi (1904), 24 (1602). Mr. Arthur Hussey has published copious extracts from the act-books of these visitations extending over a considerable period in vols. xxv-xxvii of the *Arch. Cant.* Hereinafter cited as *Canterbury Visit.*, xxv (etc.).

For perambulations see p. 27 *infra*.

person or send wain and men for the repair of highways.<sup>9</sup> In the parish church also proclamation had to be made of estrays before the beasts could be legally seized and impounded.<sup>10</sup> Here, too, school-masters often taught their pupils<sup>11</sup>—unless, indeed, the parish possessed a separate school-house. Here, in the vestry, the parish armor was frequently kept, and sometimes the parish powder barrels were deposited;<sup>12</sup> here too, occasionally, country parsons stored their wool or grain.<sup>13</sup>

Finally, in the parish church assembled vestries for the holding of accounts, the making of rates and the election of officers. Overseers of the poor held their monthly meetings here. Occasionally the neighboring justices of the peace met here to take the overseers' accounts or to transact other business;<sup>14</sup> and in the church also might be held coroners' inquests over dead bodies.<sup>15</sup> Last, but not least in importance, in the churches of the market towns the archdeacon made his visitations and held his court; and on these occasions the sacred edifice rang with the unseemly squabbles of the proctors, the accusations of the wardens and

<sup>9</sup> J. Cordy Jeaffreson, *Middlesex County Records*, i, 100-1 (Indictment reciting that John Johnson had had due notice in his parish church, yet had not sent his wain, etc., 1576). Cf. provisions of the statutes 5 Eliz. c. 13, and 18 Eliz. c. 10, *Stats. of Realm*, iv, Pt. i, 441-3, and 620-1 respectively.

<sup>10</sup> *Brownlow v. Lambert*, C. B., 41 Eliz., 1 *Croke Eliz. Rep.*, Leache's ed. (1790), Pt. ii, 716.

<sup>11</sup> *Canterbury Visit.*, xxvi, 23 (1599); *ibid.*, 20 (1591). W. H. Hale, *A Series of Precedents in Criminal Causes from the Act Books of the Ecclesiastical Courts of London, 1475-1640* (pub. in 1847), 190 (Schoolmaster of Stock presented in court for defacing the church "in makinge a fire for his schollers," 1587). This work hereinafter cited as Hale, *Crim. Prec.*

<sup>12</sup> Constables Acc'ts of Melton in *Leicester Architec. and Archæol. Soc. Trans.*, iii (1874), 72-3. Chelmsford Churchwardens Acc'ts in *Essex Archæol. Soc. Trans.*, ii (1863), 225 ff.

<sup>13</sup> Stratton (Cornwall) Churchwardens Acc'ts, *Archæologia*, xlvi, 200 ff. *s. a.* 1565 and editor's note.

<sup>14</sup> "Sir W. . . A. . . and I with divers other justices, being met together at Sondon church" (1582). Strype, *Annals of the Reformation*, iii, Pt. ii, 214. This meeting here may have been in the churchyard.

<sup>15</sup> See in the *Antiquary*, xxxii (1896), 147-8, the inquest held at St. Botolph Extra Aldgate (1590), and the coroner's judgment delivered in the church that a suicide should be buried at cross-roads with a stake through her breast.

sidemen or of the apparitor, and the recriminations of the accused—in short, the church was turned for the time being into a moral police court, where all the parish scandal was carefully gone over and ventilated.<sup>16</sup>

The ecclesiastical courts carried on their judicial administration of the parish largely, of course, through the medium of the officers of the parish. These were the churchwardens, the sidemen and the incumbent, whether rector, vicar or curate.<sup>17</sup>

First in importance were the churchwardens. Though legislation throughout the time of Elizabeth was ever adding to their functions duties purely civil in their nature, and though they themselves were more and more subjected to the control of the justices of the peace, nevertheless it is true to say that to the end of the reign the office of churchwarden is one mainly appertaining to the jurisdiction and supervision of the courts Christian.

The doctrine of the courts that churchwardens were merely civil officers belongs to a later period.<sup>18</sup>

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<sup>16</sup> For the noisy proceedings in Bow Church and in St. Paul's, London, see *The Spiritual Courts epitomized* [etc.], a satire printed in 1641 at London. For this and similar satires see Mr. Stephen's *Catalogue of Political and Personal Satires* in Brit. Mus. (1870). Cf. Strype, *Life of Grindal* (Oxon. ed. 1821), 83 ff. (Proclamation of 1561 for reverent use of churches). Also Augustus Jessop, *One Generation of a Norfolk House*, 15. Sir J. F. Stephen, *Hist. of Criminal Law*, ii. 404.

<sup>17</sup> In the Canons of 1571 the churchwardens are called "*æditui*," in those of 1604 "*æconomi*." In the older churchwardens accounts their Latin designations are "*gardiani*" and "*custodes*," sometimes "*prepositi*" (or 'reeves'). English equivalents are churchmen, highwardens, stockwardens (alewardens even), kirkmasters, church masters, proctors, etc. Sidemen are called also questmen, assistants and (apparently) sworn men or jurates. They do not always appear in small country parishes, neither are they generally found before the latter half of Elizabeth's reign. Their Latin appellation was "*fide digni*," and they were chosen from among the parishioners to the number of two, four, six or more to present offences along with the churchwardens, or offences which the wardens would not present (Gibson, *Codex*, ii, 1000). The sidemen went about the parish during service time with the wardens and warned persons to come to church (See p. 23 *infra*). For rector, etc., see p. 30 *infra*.

<sup>18</sup> Toulmin Smith, *The Parish* (2d ed., 1857), 69 ff., strongly insists that churchwardens "never were ecclesiastical officers." But the authorities he cites are post-Elizabethan. The courts in Eliza-

After a churchwarden had been chosen or elected, he took the oath of office before the archdeacon. In this he swore to observe the Queen's and the bishop's injunctions, and to cause others to observe them; to present violators of the same to the sworn men (or sidemen), or to the ordinary's chancellor or official, or to the Queen's high commissioners; finally, he swore to yield up a faithful accounting to the parish of all sums that had passed through his hands during his term of office.<sup>19</sup>

Before each visitation day, as has been said, the archdeacon's or the bishop's summoner went to each parish and gave warning that a court would be held in such and such a church on such and such a day. Pending that day wardens and sidemen drew up their bills of presentment. These bills were definite answers to a series of articles of inquiry founded on the diocesan's injunctions, themselves based on the Queen's Injunctions of 1559 and on the Canons.<sup>20</sup> Failure to present offences was promptly punished by the judge.<sup>21</sup> Failure to attend court when duly warned

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beth's time held that the execution of the office "doth belong to the Spirituall jurisdiction" (See *Brown v. Lothar*, 40 Eliz., in *J. Gouldsborough's Rep.*, ed. 1653, p. 113). Lambard (*The Duties of Constables*, etc., ed. 1619, p. 70) says that wardens are taken in favor of the church to be a corporation at common law for some purposes, viz., to be trustees for the church goods and chattels.

<sup>19</sup>See "The Othe which the Parsons . . . shall minister to the Church Wardens," of which the text is given in Bishop Barnes' Injunctions and other Ecclesiastical Proceedings, *Surtees Soc.*, xxii (1850), 26 (Hereinafter cited as *Barnes' Eccles. Proc.*). The wording of this oath is evidently very similar to, if not identical with, that of the oath administered to the wardens by the archdeacon.

<sup>20</sup>For a number of examples clearly illustrating this point see Visitations of the Dean of York's Peculiar, *Yorkshire Archæological Journal*, xviii (1905), 202, 221, 222, 224, *et passim*. Hereinafter cited as *Dean of York's Visit.* We have a number of these articles of inquiry formulated by archbishops or bishops. *E. g.*, see in T. Nash, *Hist. and Antiq. of Worcestershire*, i, 472 (Wardens of Grimley make answer to the 5th and 6th articles inquired of by the bishop in 1585). Cf. Cardwell, *Doc. Ann.*, ii, 13-16 (Whitgift's Articles of 1588).

<sup>21</sup>*E. g.*, *Canterbury Visit.*, xxv, 12 (Birchington wardens arraigned in court "for that they have not presented divers faults Committed within the parish." 1591). Act-Books in *Barnes' Eccles. Proc.*, 118 (A warden of Long Newton detected to the official because "he refused to present faltes with his fellowe churchwardone, *et*

was no less promptly followed by excommunication, and then it was an expensive matter for the wardens to get out of the official's book again.<sup>22</sup> But of fees and fines more hereafter.

Among the churchwardens' principal obligations, as laid down in the injunctions and articles they were sworn to observe, was the keeping in repair of the church fabric and its appurtenances, as well as the procuring and the maintaining in good condition of the church "furniture," a term which in the language of the time included all the necessities for worship and the celebration of the sacraments: church linen, surplices, the communion cup, the elements themselves, bibles, prayer books, the writings of authorized commentators on the Scriptures, or the works of apologists for the Anglican Church; tables of consanguinity and other official documents enjoined to be kept in every parish by the diocesan.<sup>23</sup>

The visitation act-books of the period abundantly show

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*fatebatur delationem*, viz., that he wolde not present his owne wief." 1579). *Ibid.*, 129 (1580). See also *Warrington Deanery Visit.*, 188 ("Departing and not exhibitinge there presentments"). W. H. Hale, *Precedents in Causes of Office against Churchwardens and Others* (1841), 81 (Wardens of Sarratt [Herts] excommunicated for not exhibiting their "*billas detectionum*." 1577). The last named work hereinafter cited as Hale, *Churchwardens' Prec.*

<sup>22</sup> For numerous examples of excommunication for non-appearance, see *Barnes' Eccles. Proc.*, 29 ff. Under the heading of each parish we see "*aegrotat*," or "*excusatur*," or "*nullo modo*" (*sc. comparuit*) placed after the name of each person cited to attend from that parish. Incumbents, wardens and sidemen were almost always in attendance. Schoolmasters usually so when there were such. Delinquent parishioners were of course cited in person, or remanded to appear at the next court day holden elsewhere. Upon non-appearance the formula usually entered by the registrar or scribe in the act-book was "*et omnes et singulos hujusmodi non comparentes [judex] pronuntiavit contumaces et eos excommunicavit in scriptis*." At Alnwick in 1578 fifteen persons were excommunicated for non-attendance. *Barnes' Eccles. Proc.*, 41. Cf. Hale, *Crim. Prec.*, *passim*.

<sup>23</sup> Lists of "furniture," implements and books will be found in the metropolitan or diocesan injunctions of the time. A typical one is given in *Barnes' Eccles. Proc.*, 25, entitled "The furnitures, implements and bookes requisite to be had in every church, and so commaunded by publique auctoritie" (1577). Cf. Cardwell, *Doc. Ann.*, i, 287 ff. ("Advertisements partly for due order in the publique administration of common prayers [etc.] . . ." Jan., 1564).

the processes employed by the ecclesiastical authorities in enforcing these and other duties (which will be detailed in their turn), and prove that the courts Christian were emphatically administrative as well as judicial bodies. To show these courts at work it will be necessary to give a number of illustrative examples taken from the visitation entries. Thus the wardens of Childwall, having been presented at the visitation of the bishop of Chester, 9th October, 1592, because their church "wanteth reparac[i]on," are excommunicated for not appearing. On a subsequent day John Whittle, who represents the wardens, informs the court that the repairs have been executed. Thereupon the wardens are absolved and the registrar erases the word "excommunicated" from the act-book.<sup>24</sup> At the same visitation the wardens of Aughton are presented because "there bible is not sufficient, they want the first tome of the homilies, Mr. Juells Replie and Apologie<sup>25</sup> [etc.] . . . ." The two wardens are enjoined by the judge to buy a sufficient bible and to certify to him that they have done so.

But—so careful is the supervision over parish affairs—mere certification by vicar or wardens that a certain article has been procured in obedience to a court order will not always suffice. If the thing can be produced in court the judge often orders it to be brought before him for personal inspection. Accordingly, when at the visitation of the chancellor of the bishop of Durham, the 13th March, 1578/9, the wardens of Coniscliffe are found to "lacke 2 Salter bookes [and] one booke of the Homelies," they are admonished to certify "that they have the books detected 4th April and to bringe their boks hither."<sup>26</sup> Thus, too, the wardens of St. Michael's, Bishop Stortford, record in 1585 that they have paid 8d. "when we brought in to the court the byble and comunion booke to shewe before the comy-

<sup>24</sup> *Warrington Deanery Visit.*, 184.

<sup>25</sup> That is, Bishop John Jewel's *Apologia Ecclesiae Anglicanae*, published in 1560, and his *Defence of the Apology*, published in 1567, sometimes called in the act-books and wardens accounts (where both works are frequently mentioned) *The Reply to Mr. Harding*.

<sup>26</sup> *Barnes' Eccles. Proc.*, 116.

sary.”<sup>27</sup> There is a curious entry in the same accounts some years earlier, viz.: “pd for showing [shoeing] of an horse when mr Jardfield went to london to se wether it was our byble that was lost or no and for his charges . . . .”<sup>28</sup>

At the visitation held at Romford Chapel, Essex Archdeaconry, 5th September, 1578, the wardens of Dengie “broughte in theire surplice, which surplice is torne & verie indecent & uncomly, as appereth; whereupon the judge, for that theie neglected their othes, [ordered them to confess their fault and prepare] a newe surplice of holland cloth of v s. thele [the ell], conteyninge viii elles, *citra festum animarum prox.*” Remembering that money was then worth ten to twelve times what it is today, this was probably considered too great a burden by the parishioners of Dengie. A petition must have been presented to be allowed to procure a cheaper surplice, for on the 6th October following the wardens were permitted to prepare a surplice containing six ells only at the reduced price of 2s. 8d. per ell.<sup>29</sup>

It seems to have been the practice in the Dean of York’s Peculiar for the judge to threaten the churchwardens occasionally with a fine for failure to repair their church or supply missing requisites for service by a fixed day. Thus at Dean Matthew Hutton’s visitation, July, 1568, the churchyards of Hayton and of Belby were found to be insufficiently fenced. The order of the court was: “*Habent ad reparanda premissa citra festum sancti Michaelis proximum sub pena XX s.*”<sup>30</sup>

So, too, the Thornton wardens at the same visitation are warned to repair the body of their church “betwixt this and Michlmes next upon paine of X s.”<sup>31</sup> But as spiritual

<sup>27</sup> J. L. Glasscock, *The Records of St. Michael’s, Bishop Stortford* (1882), 63. See also Minchinhampton (Gloucester) Acc’ts, *Archæologia*, xxxv, 422 ff. (“Allowynge the regester booke.” 1575). *Shrop. Arch. and Nat. Hist. Soc. Tr.*, 2d Ser., i, Ludlow Acc’ts, s. a. 1585–6 (Record of the new bible and other books).

<sup>28</sup> Glasscock, *op. cit.*, 59 (1578).

<sup>29</sup> Hale, *Crim. Prec.*, 170–1.

<sup>30</sup> Visitations of the Dean of York’s Peculiar, *Yorkshire Archæological Journal*, xviii (1905), 209.

<sup>31</sup> *Ibid.*, 210.

tribunals had no legal power to fine<sup>32</sup> or to imprison, apparently the usual penalty prescribed by the judges in case of disobedience to, or neglect of, their orders to repair or replace by a certain day, was, in the words of Bishop Barnes addressed to the churchwardens in Durham diocese, the "paynes of interdiction and suspencion [*i. e.*, temporary excommunication] to be pronounced against themselves."<sup>33</sup> Yet here, too, the wardens did not escape indirect amercement, for absolution from interdiction or excommunication often meant a payment of various court fees, which in many cases were by no means light. These fines the wardens put to their credit in the expense items of their accounts if they could possibly do so, and it is probable that the parish always paid them except in cases of very gross individual delinquency in office. Thus the wardens of St. Martin's, Leicester, record: "Payd to Mr. Comyssarye whe[n] we was suspendyd for Lackynge a Byble & to hys offycers xxij d."<sup>34</sup> The wardens of Melton Mowbray register: "Ffor our chargs & marsements at Lecest[e]r . . . for yt

<sup>32</sup> With the exception of the High Commission by the terms of its commission. See the writ of 1559 in Gee, *The Elizabethan Clergy and the Settlement of Religion*, 150. Also Cardwell, *Doc. Ann.*, i, 220, for the Commission for York in 1559. As a matter of fact, as will appear from the illustrations cited, fines were virtually inflicted by way of court or absolution fees. Again, while the canons or injunctions forbade the commutation of penance for money, an exception was made for money taken *in pios usus*, such as church repair or the relief of the poor. Examples of the practice will be found in Hale, *Crim. Prec.*, 232 (Repair of St. Paul's, London); *Warrington Deanery Visit.*, 189 (Poor); Chelmsford Acc'ts, *Essex Arch. Soc.*, ii, 212 (Paving of church). For fines inflicted for the benefit of the poor see *Barnes' Eccles. Proc.*, 122 ("For that he gave evill words" an offender was enjoined by the judge to pay 2s. to the poor and to certify); Hale, *op. cit.*, 198 (An offender to pay a rate of 4d., and 12d. more "*pro negligentia*." 15 $\frac{8}{9}$ ). Cf. Canons of 1585 in Cardwell, *Synodalia*, i, 142.

<sup>33</sup> *Barnes' Eccles. Proc.*, 24 (1577). In the case of individuals interdiction or suspension (*i. e.*, from service and sacraments) does not differ in effect from excommunication, except that the former are temporary penalties and to terminate upon compliance with the judge's order. See Burn, *Eccles. Law* (ed. 1763), i, 616 (Interdiction) and ii, 362-3 (Suspension).

<sup>34</sup> Thomas North, *A Chronicle of the Church of St. Martin's in Leicester* (1866), 116 (1568-9).

ye Rood loft whas not takyn down & deafasyed iiij s. iiij d.”<sup>35</sup>

In the same accounts we find some years later: “Payde to . . . at the vicitacion houlden at Melton for dismissinge us oute of there bookes for not reparinge the churche iij s. ij d.”<sup>36</sup> So, also, we read in the St. Ethelburga-within-Bishopsgate Accounts: “Paid in D[octo]r Stanhope’s courte beinge p[re]sented by p[ar]son Bull aboute the glasse windowes xvj d.” And nine years later: “Paid for Mr Gannett and myselfe [‘Humfery Jeames’] for absolution iiij s. viij d.” Also: “Paid for our discharge at the courte for [from] our excomm[uni]cacon xvj d.”<sup>37</sup>

The act-books abundantly show that ecclesiastical courts were very far from being limited to mere moral suasion or to spiritual censures. They could never have accomplished their work so thoroughly if they had been. This point will be brought out much more clearly, it is hoped, when we come to consider excommunication as a weapon of coercion.<sup>38</sup> The courts fined parishioners individually<sup>39</sup> and they fined them collectively. What matters it that these fines were called court fees, absolution fees, commutation of penance, or by any other name? What signifies it that the proceeds could be applied only *in pios usus*? The mulcting was none the less real. On the score of bringing stubborn or careless wardens to terms through their purses, the following extract from a letter written in 1572 to the official of the archdeacon of the bishop of London is in point. The letter informs the judge that Jasper Anderkyn, a churchwarden, “hathe done nothing of that which he was apointed by your worshipp at Mydsomer to do, for the churche yarde lyeth to commons and all other thynkes in the churche is ondonne. . . . I praye you dele w[i]t[h]

<sup>35</sup> *Leicester Archit. and Archæol. Soc. Tr.*, iii (1874), 192 (1567).

<sup>36</sup> *Ibid.*, 197 (1594-5).

<sup>37</sup> W. F. Cobb, *Churchwardens Accounts of St. Ethelburga-within-Bishopsgate* (1905), p. 10 (1595) and p. 12 (1604), respectively. Stanhope was chancellor to the bishop of London.

<sup>38</sup> See p. 46 ff. *infra*.

<sup>39</sup> See *infra* p. 40, p. 48 (note 169), p. 131, etc. Also Ch. ii, *infra*. Cf. note 32 *supra* (p. 19).

hym so yt he maye be a presydent for them that shall have the offyce; for they wyll but jess att itt, and saye it is butt a mony matter: therefore lett them paye well for the penaltie whiche was sett on theire heads." Continuing, the writer states that his reason for writing is "that you be not abewseid in youre office by there muche intreatyng for themselffes, for Jesper Anderkyn stands excommunicated."<sup>40</sup>

Sometimes for failure to perform the ordinary's<sup>41</sup> injunctions a whole parish was excommunicated or a church interdicted.<sup>42</sup> Thus in the Abbey Parish Church<sup>43</sup> Accounts we read under the year 1592 how troublesome and how costly it was "when the church was interdicted" to ride to Lichfield and there tarry several days seeking absolution. For this 20 shillings was paid, a very large sum for the time, not to mention a fee to the summoner, travelling expenses and the writing of letters on the parish's behalf.<sup>44</sup> The wardens of Stratton, Cornwall, had a similar experience "when the churche wardyns & the hole p[ar]ysch was exco[mu]ny-

<sup>40</sup> Hale, *Crim. Prec.*, 155.

<sup>41</sup> Ordinary is that ecclesiastical magistrate who has regular jurisdiction over a district, in opposition to judges extraordinarily appointed. At common law a bishop was taken to be the ordinary in his diocese, and so he was designated in some acts of Parliament. But as a matter of fact 'ordinary' signifies any judge authorized to take cognizance of causes by virtue of his office or by custom. Such were pre-eminently the archdeacons. These officers, at first merely attendant on the bishops at public services, were gradually entrusted by the latter with their own jurisdictional powers, owing to the vast extent of dioceses, so that "the holding of General Synods or Visitations when the Bishop did not visit, came by degrees to be known and established Branches of the Archidiaconal Office, as such, which by this means attained to the dignity of Ordinary instead of delegated jurisdiction." Edmund Gibson, *Codex Juris Ecclesiastici Anglicani*, or the *Statutes, Constitutions* (etc.) of the Church of England, ii (1713), 998. Cf. Richard Burn, *Eccles. Law*, ii, 101-2. As the ordinary in practice entrusted his office of judge to an official, I have used the two terms interchangeably. In some places exempted from the archdeacon's jurisdiction commissaries acted as judges, Burn, i, 391.

<sup>42</sup> That is, services and sacraments (except baptism) were suspended in it. The words of Burn (*Eccles. Law*, i, 616, quoting Gibson, 1047) are misleading. He says: "But this censure hath been long disused; and nothing of it appeareth in the laws of church or state since the reformation." Of course interdiction *temp.* Elizabeth was no longer the terrible punishment it used to be.

<sup>43</sup> At Shrewsbury.

<sup>44</sup> *Shrop. Arch. and Nat. Hist. Soc. Tr.*, i (1878), 62.

catt" in 1565. Among the expense items relating to that occasion is a significant one: "ffor wyne & goodchere ffor the buschuppe ys s[er]vantt[s] ij s. viij d."<sup>45</sup>

So close is the supervision of the ordinary over the churchwardens, so effective the discipline of the church courts, that we seem to hear occasionally a sort of dialogue going on between judges and wardens, the former directing certain things to be executed, the latter replying and reporting from time to time that progress is being made on the work to be performed, or that the missing objects will be soon supplied. Accordingly, at the archdeacon of Canterbury's visitation in 1595, we find the wardens of St. John in Thanet (Margate) reporting: "The chancel<sup>46</sup> is out of repairs, for the repairing whereof some things are provided."<sup>47</sup> Two years later they state to the court: "For repairing of the churchyard we desire a day."<sup>48</sup> At the same visitation the wardens of St. Lawrence in Thanet (Ramsgate) present: "Our Church is repaired, saving that some glass by reason of the last wind be broken, the which are [sic] shortly to be amended."<sup>49</sup>

As a final illustration on this score may be adduced the report of the conscientious wardens of Kilham, Yorkshire, who certify to the judge of that peculiar, August, 1602, "that there church walles ar in suche repaire as heretofore they have beyne. But not in suche sufficient repaire as is re-

<sup>45</sup> R. W. Goulding, *Records of the Charity known as Blanchminster's Charity* (1898), Stockwardens Acc'ts, 68. For other examples of interdiction of churches or excommunication see Hale, *Churchwardens' Prec.*, III-12 (Shoreham Vetera interdicted.  $\frac{1}{1600}$ ), *et passim*.

<sup>46</sup> Except in the city of London and some few other places, the chancel was at the charge of the rector or other recipient of the great tithes. Sidney and Beatrice Webb, *English Local Government* (1906), 20, *note*. Also W. G. Clark-Maxwell in *Wilts Arch. etc. Mag.*, xxxiii (1904), 358. H. B. Wilson, *History of St. Laurence Pountney* (London, 1831), 73.

<sup>47</sup> *Canterbury Visit.*, xxvi, 21.

<sup>48</sup> *Ibid.*

<sup>49</sup> *Ibid.*, 32. In 1599 the wardens of this parish inform the archdeacon that both church and churchyard need repairs "which we mean shortly to do." The next year, too, they make a report in almost identical words. *Ibid.*, 33.

quired by the Article<sup>50</sup> for that effect ministred vnto us.”<sup>51</sup>

But the upkeep of the church and its requisites<sup>52</sup> was only one of the churchwardens' many tasks. They had to look to it that the people attended church regularly; that the victuallers and ale-houses received no one while service was being held or a sermon was preached; that each person was seated in his or her proper place, that each conducted himself with decorum and remained throughout the service. Accordingly the act-books tell their interesting story of ministers on beginning service sending wardens and side-men abroad to command men to come to church. The churchwardens and their allies have all sorts of experiences: they break in upon “exercises” or conventicles;<sup>53</sup> they peep in at victuallers' houses or at inns where irate hosts slam doors in their faces and give them bad words on being caught offending;<sup>54</sup> they come across merrymakers dancing the morris-dance on the village green during Sunday afternoon service,<sup>55</sup> or they surprise men at a quiet game of cards at a neighbor's house during evening prayer.<sup>56</sup>

When admonished by the wardens to enter church, some merely gave contemptuous replies, such as “what prates thou?”;<sup>57</sup> others, when the wardens approached, took to

<sup>50</sup> See p. 15 *supra*.

<sup>51</sup> *Dean of York's Visit.*, 341.

<sup>52</sup> Numerous other presentments at visitations for failure to supply the requisites for worship besides those adduced in the text will be found in Hale, *Crim. Prec.*, 173 (A warden failing to supply the elements for communion. 15 $\frac{7}{8}$ ). *Ibid.*, 154 (“The rode lofte beame, the staieres of the rode loft standinge, the churche lacketh whittinge to deface the monuments.” 1572), etc. *Barnes' Eccles. Proc.*, 115 (“The Degrees of Mariage” and “the Postils” lacking. 157 $\frac{8}{9}$ ). *Warrington Deanery Visit.*, 189 (“Cloth for the communion table.” 1592). Visitation of Manchester Deanery in 1592 by the Bishop of Chester in *Lancashire and Cheshire Antiquarian Soc. Tr.*, xiii, 58 (Communion cup lacking). *Ibid.*, 62 (“Noe fonte,” and christenings in “a bason or dish”). This source hereinafter cited as *Manchester Deanery Visit.*

<sup>53</sup> Hale, *Crim. Prec.*, s. a. 1587 (21st June).

<sup>54</sup> *Manchester Deanery Visit.*, 66 (1592). Cf. *Canterbury Visit.*, xxv, 23 (1600).

<sup>55</sup> Hall, *Crim. Prec.*, 13 (1598).

<sup>56</sup> *Warrington Deanery Visit.*, 189.

<sup>57</sup> *Manchester Deanery Visit.*, 69.

their heels and ran away.<sup>58</sup> Once inside the church the wardens' task was by no means ended. They had the care of placing each one in his or her seat according to degree;<sup>59</sup> according to sex;<sup>60</sup> and, in case of women, according as they were old or young, married or unmarried.<sup>61</sup> Finally, as has been said, the wardens were expected to keep watch lest some one slip out before the service was over or the sermon ended.<sup>62</sup>

But while they have one eye on the congregation lest they offend, wardens and sidemen must keep another on the minister while service proceeds or the sacraments are administered, in order that the rites be duly observed and the Rubric followed. The curate of Theydon Gernon (Essex) is presented by wardens and sidemen "*quia non fecit suam diligentiam in dicendo preces, viz. the communion and Litany*";<sup>63</sup> while the rector of East Hanningfield in the same archdeaconry is not only complained of to the ordinary for not maintaining the book of articles, and not using the cross

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<sup>58</sup> *Ibid.* Then as now the ale-house was the strongest rival of the House of God. A very common class of offenders were those who would not leave their ale cups to go to service (see authorities cited, *passim*). Men were also great gossipers ("common talkers") in the churchyard, as a number of presentments show.

<sup>59</sup> Order of the archdeacon, Essex Archdeaconry, to the wardens of St. Peter's and of All Saints, Maldon, in 1577, Hale, *Crim. Prec.*, 158. For refusing to keep her seat in church according to this order Elizabeth Harris was presented the next year, Hale, *loc. cit.*, 171.

<sup>60</sup> The vestry of St. Alphage's (G. B. Hall, *Records of St. Alphage, London Wall*, 31) grew highly indignant in Aug., 1620, when the business of seating the parishioners came up for discussion, that a Mr. Loveday and his wife should presume to sit "together in one pewe and that in the Ile where men vsually doe & ere did sitt; we hould it most ynconvenyent and most vnseemely, And doe thinke it fitt that Mr Chancellor of London be made acquainted w[i]th it [etc]."

<sup>61</sup> Hale, *Crim. Prec.*, 241-2: "*Contra Hayward, puellam. Presentatur*, for that she beinge but a yonge mayde, sat in the pewe with her mother, to the greate offence of many reverend women." The child (as the vicar who made the presentment continues should have sat at her mother's "pewe dore." 1617). Cf. *Barnes' Eccles. Proc.*, 122-3 (Janet Foggard cited for that "she beinge a yonge woman, unmarried, will not sit in the stall wher she is appointed . . ."). Cf. Hale, *op. cit.*, 210 (One Clay and his wife "will not be ordered in church by us the church wardens [etc]."). 1595).

<sup>62</sup> Examples will be found in the act-books cited *supra*.

<sup>63</sup> Hale, *Crim. Prec.*, 149 (1566). Cf. *ibid.*, 163 (The divine service not "reverently, plainelye and distinctlye saide . . ." 1576).

in baptism, but he is also indicted on the same occasion for not praying for the Queen "accordinge to hir injunctions, viz. he leaveth out of hir stile the kingdome of Fraunce."<sup>64</sup> The court's order was that the rector should acknowledge his error on the following Sunday "*coram gardianis.*" The wardens of Wilton, Yorkshire, report to the commissary of the Dean of York that their curate recites divine service "very orderlie," but not at a fit time, for he holds service at eight in the morning and two in the afternoon.<sup>65</sup> Finally, the rector of Pitsea is complained against to the archdeacon of Essex for "that he is unsufficient to serve the cure ine that theie are not edified by him . . . ."<sup>66</sup>

If the parson neglected his duties it was incumbent upon the wardens to exhort him to perform them.<sup>67</sup> When at the visitation of the bishop of Chester in 1592 it was found that there was no surplice at Bolton Church, Manchester Deanery, not only did the judge admonish one of the Bolton wardens to buy the surplice, but he was instructed "to offer hit to thee Vicar at the time of ministering the sacraments, and to certify of his wearing or refusing of hit before the Feast of the Nativity of our Lord next."<sup>68</sup>

By virtue of searching articles of inquiry administered to them,<sup>69</sup> such as, Is your vicar a double-beneficed man, and, if so, is he lawfully dispensated? Does he keep hospitality?

<sup>64</sup> Hale, *op. cit.*, 182 (1584). Cf. Whitgift's *Articles for Sarum diocese* in 1588, art. viii: "Whether your ministers used to pray for the quenes majestie . . . by the title and style due to her majestie." Cardwell, *Doc. Ann.*, ii, 14.

<sup>65</sup> *Dean of York's Visit.*, 320 (1596).

<sup>66</sup> Hale, *op. cit.*, 159 (1575).

<sup>67</sup> 3 *Rep. Hist. MSS. Com.*, 275 (A vicar presented by churchwardens in the commissary's court at Poddington-apud-Ampthill for not catechising the youth, etc., though required to do so by one of the wardens. 1616). For not presenting their minister when he neglected to catechise on the Sabbath, the wardens of St. Mary Woolchurch Haw, London, had to pay divers fees to the chancellor. Brooke and Hallen, *Registers of St. Mary Woolchurch Haw* (1886), Wardens Acc'ts, s. a. 1593.

<sup>68</sup> Accordingly, by a later entry in the book we see that the warden brought in court a certificate that the surplice had been bought and worn by the vicar. *Manchester Deanery Visit.*, 59. For a precisely similar injunction see *ibid.*, 62 (Wardens of Eccles).

<sup>69</sup> See p. 15 *supra*.

If non-resident does he give the fortieth part to the poor? Does your minister wear a surplice at the appointed times, yea or no? Does he use the cross in baptism and the ring in marriage?<sup>70</sup> Does your schoolmaster teach without licence of his ordinary under seal, or no? Do you know any person excommunicate in your parish who repairs to church? Do you know anyone ordered by law to do penance, or excommunicate for not doing the same, who still continues unreformed?—by virtue of this strict questioning by the ordinary put to them in written articles before each visitation, church wardens, and their coadjutors, the sworn men or sidemen, were compelled to exercise a continual supervision over their minister's conduct as well as over that of the parishioners generally. This fact, coupled with the circumstance that they were themselves liable to be reported to the court and punished if they failed to indict, accounts for the cautious presentments made by these Elizabethan wardens.

Those of Great Witchingham, Norfolk, for instance, inform the chancellor that their parson "holdeth two benefices, but whether lawfully dispensated they know not," and they add that a schoolmaster in their parish "teacheth publicly, but whether licenced or not they know not."<sup>71</sup> The wardens of Ellerburn, Yorkshire, present Jane Gryme for fornication, and add "but whether the curate did church hire or no they cannot say."<sup>72</sup> And the following year they bring to the court's knowledge "that their vicar . . . is not resident upon his vicarage, but what he bestoweth upon the poore they know not."<sup>73</sup> Lastly, the very prudent wardens of Pickering in the same peculiar bring in their presentment in this fashion: "*Qui dicunt et presentant* there vicar for that he for the moste parte, but not alwaies dothe weare a surplesse in tyme of dyvyne service. They present there vicar for that they ar vncerteyne whether his wif[e] was

<sup>70</sup>For presentments of vicar's (etc.) offences see pp. 31 ff. *infra*.

<sup>71</sup>L. G. Bolingbroke; *The Reformation in a Norfolk Parish, Norfolk and Norw. Arch. Soc.*, xiii, 207-8 (1593).

<sup>72</sup>*Dean of York's Visit.*, 231 (1594).

<sup>73</sup>*Ibid.*, 315. See also *ibid.*, 225 and 229.

commended vnto him by justices of peace, nor whether he was licenced to marrye hir according to hir Maiestie's injunctions."<sup>74</sup> The almost unseemly interest here displayed by the wardens in their vicar's matrimonial relations is explained by the provisions of article xxix of the Queen's Injunctions of 1559, which ordain that no priest or deacon shall wed any woman without the bishop's licence and the advice and allowance of two neighboring justices of the peace first obtained.

Other parish obligations enforced by the courts Christian through the churchwardens were the keeping of annual perambulations (or, as we should say today, beating the bounds of the parish) by parson, wardens and certain of the substantial men of the parish, in the second week before Whitsunday ("Rogation Week");<sup>75</sup> the exhibiting to the official of the parish register, or the putting in of copies of it once a year at Easter;<sup>76</sup> the choosing in conjunction with the parson of collectors for the poor up to 1597, in most parishes at any rate;<sup>77</sup> the levying of the 12d. fine on

<sup>74</sup> *Ibid.*, 339 (1602).

<sup>75</sup> See *Queen's Inj. of 1559*, art. xviii. Also art. xviii of Archbp. (of York) Grindal's *Inj. of 1571*, *Parker Soc., Remains of Grindal*, 132. Also Cardwell, *Doc. Ann.*, i, 337, etc. For the enforcing of the obligation by the ordinary, see numerous examples in *Canterbury Visit.*, xxv, 22 (1585); 32 (Controversy in 1584 between two parishes as to bounds); 37 (1594). Also *ibid.*, xxvi, 24, 25, *et passim*. Other examples in Hale, *Crim. Prec.*, 162, where a parishioner of Burstead Parva (Essex) is cited at a visitation for ploughing up a dole (a balk or unploughed ridge), which marked the boundary line between Burstead and Dunton parishes. Cf. *Canterbury Visit.*, xxv, 15, where three parishioners are presented for covering up a parish procession lynch (1617).

<sup>76</sup> See, e. g., A. G. Legge, *North Elmham (Norfolk) Acc'ts* (1891), 76 (1562), 82 (1566 and 1567). Melton Acc'ts in *Leicest. Archit. and Arch. Soc.*, iii, 192 (1566). Ludlow Acc'ts in *Shrop. Arch. Soc.*, 2nd ser., i, s. a. 1601-2, etc.

<sup>77</sup> In this year the 39 Eliz. c. 3 was enacted which instituted overseers of the poor nominated by the licence of the justices, and placed wholly under their supervision. In spite of the provisions of an earlier act (14 Eliz. c. 5) giving the justices power to appoint, or see collectors appointed, the ecclesiastical courts rather than the justices, as the act-books show, seem to have looked after the matter. See, e. g., *Manchester Deanery Visit.*, 57, 59, 60, 62, 63, 64, 68, etc. Also *Warrington Deanery Visit.*, 184, 186, 187, 191, etc. Cf. the item in the Ludlow Acc'ts, *Shrop. Arch. Soc.*, i, s. a. 1586-7, where is recorded an expense item for a payment to "Mr. Chauncelor" for entering a presentment for collections for the poor.

all those who absented themselves from service;<sup>78</sup> the putting down of all "superstitious" rites in the parish, such as the carrying of banners in perambulation week or the wearing of surplices on such occasions;<sup>79</sup> the ringing of the church bells on Hallowe'en, or on the eve of All Souls; excessive tolling of bells at funerals,<sup>80</sup> etc.

From the point of view of their fellow-parishioners, no doubt, the most important function of the wardens was that of administering the parish finances. This subject will be considered at length in the chapter which follows, but the fact that the spiritual courts enforced the levying of rates for church repair, etc., through the wardens, as well as an accounting to the parish of all monies received or disbursed, concerns us here. When the Ealing wardens were "detected" to the chancellor of the bishop of London because they had no pulpit-cloth, no poor-box, nor the Paraphrases of Erasmus, they appeared and declared in court that they had not provided these things "nor can do it, for that there is no churche stock wherewith to do it." Hereupon they were admonished that the judge's pleasure was that they should procure Mr. Fleetwood and Mr. Knight (evidently two prominent parishioners) to make an assessment on the parish in order to purchase these articles, and further that they (the wardens) should certify to the court at a later day fixed that the rate had been laid and the missing requisites bought, unless, indeed, some refused to pay, in which

<sup>78</sup> See act-books above cited. Also Hale, *Crim. Prec.*, 165, *et passim*. Barnes' *Eccles. Proc.*, 118, *et passim*. Norf. and Norw. Arch. Soc., xiii, 207-8 (Great Witchingham wardens).

<sup>79</sup> Stanford (Berks) Accounts, *Antiquary*, xvii (1888), 169 (Expenses to Oxford "to speke with [the] . . . Archedyacon for caryeng a strem[e]r in Rogacion weke." 1564). Hale, *Crim. Prec.*, 150 (Wearing of surplice on same occasion. 1567); 152 (*Do.* 1572). Cf. Grindal's Inj. at York, 1571, in Cardwell, *Doc. Ann.*, i, 337.

<sup>80</sup> Melton Acc'ts, *ubi supra*, 192 ("Beyng somonyd ffor Ryngng off all Hallodaye att nyght." 1566). Halesowen Acc'ts in T. R. Nash, *History and Antiq. of Worcestershire*, ii, App., p. xxx (1578). Stanford Acc'ts, *ubi supra*, 169 (1566). *Manchester Deanery Visit.*, 64 (Wardens of Manchester "ringe more than is necessarie at Burialls . . ."). Cf. Canons of 1571, Cardwell, *Syn.*, i, 124 (Ordained that wardens must not suffer "*campanas superstitiose pulsari, vel in vigilia Animarum, vel postridie Omnium Sanctorum* . . .").

case their names should be handed into court.<sup>81</sup> So, again, when rector and wardens of Sutton were presented in the same court for letting their church go to ruin, they protested that the reason was that £40 "will skant repayre it, and that so mutch cannot be levied of all the land in the p[ar]ishe." But this excuse was not for a moment admitted, and they were warned to appear in the next consistory court to take out a warrant for the assessment of the lands.<sup>82</sup>

Though the wardens did not themselves in practice always make the rate directed by the archdeacon, yet they were held responsible for its making. So true was this that if, after a duly called parish meeting for the purpose of laying the rate in obedience to the archdeacon's orders, no parishioners appear, then, in the words of the archdeacon's official to the wardens of Ramsden Bellhouse (Essex): "if the inhabitants of the said p[ar]ish will not join with the said church wardens &c., that then the said churchwardens shall themselves make a rate for the leveinge of the said charges [etc.] . . . ." <sup>83</sup>

<sup>81</sup> Accordingly some seven weeks later the wardens (or rather their successors) appeared again and reported that the rate had been laid, but not gathered. The court granted them a further space to buy the implements. Hale, *Churchwardens' Prec.*, 2-3 (1584). Similar examples abound in Archdeacon Hale's work, just cited, which covers the period 1557 to 1736.

<sup>82</sup> *Ibid.*, 4 (1584). For other cases see *passim*.

<sup>83</sup> Hale, *Churchwardens' Prec.*, 98 (1601). Burn, *Eccles. Law*, i, 268 (citing Gibson, *Codex*, 196, and 1 Bacon, *Abridg.*, 373), says that if no parishioners appear at a meeting duly called for the purpose of assessment, "the churchwardens alone may make the rate, because they and not the parishioners are to be cited and punished in defect of repairs." To these words should be added the qualification that the parishioners *were* sometimes collectively punished, viz., by interdiction of their church. Thus in St. Alban's archdeaconry the parishioners of Redbourn were directed through the wardens to make a rate to levy £60 "*sub pena interdictionis eccl[es]ie sue a divinatoru[m] celebratione et sacramentaru[m] et sacramentaliu[m] . . . [etc.]*." Hale, *op. cit.*, 89 (1599). In Jan., 1599, we find Shoreham Vetera in Lewes archdeaconry interdicted, and one of its wardens appearing, "*humil[ite]r petijt interdic[i]o[n]em . . . emissam pro defect[u] eccl[es]ie ruinos[e] . . . revocari . . .*" in order that time might be given him to call together the tenants and owners of land in the parish and outlying districts as well as "strangers" who held lands in the parish. *Ibid.*, 111-12. In 1603 the wardens of Northawe are to see a levy made "*sub pena interdicti*." *Ibid.*, 90. Cf. pp. 36-7.

Finally, the archdeacons or their officials always stood ready to enforce an accounting by the outgoing wardens to the parishioners or their representatives. If the accounting was delayed too long, or if the surplus was not promptly handed over to the incoming (or newly elected) wardens, then the delinquent officers were cited before the court. Numerous instances are found in the court records of the enforcing of this duty.<sup>84</sup>

A permanent parish officer and one over whose appointment the parishioners had usually no control<sup>85</sup> was the parish minister, whether officiating rector, vicar or curate.<sup>86</sup> Elizabethan statutes and canons sought to increase the dignity of the incumbents of cures,<sup>87</sup> but royal greed did yet more to lower it.<sup>88</sup>

The minister was usually addressed by his parishioners as "Sir" John, or "Sir" George, etc., quite irrespective of

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<sup>84</sup> Examples are: Hale, *Crim. Prec.*, 189 (Mucking, Essex, wardens. 1586). *Ibid.*, 199 (East Horndon, Essex, wardens confess they have not accounted "by reason the parishioners will not come to reckon with them." They are warned to make their account and if the parishioners will not audit it, to exhibit it at the next court. 1590). *Ibid.*, 222 (Several parishioners presented for "not receiving" a warden's account. They plead that he was not chosen to be warden by their parson. 1600). See also *Canterbury Visit.*, xxvi, 20, 21, also *ibid.*, xxvii, 220, *et passim*. *Dean of York's Visit.*, 335.

<sup>85</sup> "The cases in which the advowson of the parish belonged to the inhabitants, though more numerous than is often supposed, were distinctly exceptional." Beatrice and Sidney Webb, *Local Government, the County and the Parish* (1906), 34 note.

<sup>86</sup> On the distinction between rector, vicar, curate, etc., see Felix Makower, *The Constitutional History and Constitution of the Church of England* (Engl. trans. 1895), 334-7. Also Rev. W. G. Clark-Maxwell in *Wilts Arch. (etc.) Mag.*, xxxiii (1904), 358-9.

<sup>87</sup> *E. g.*, the Canons of 1571, sec. *De Episcopis*, required that the bishops ordain no one except such as had a good education and were versed in Latin and the Holy Scriptures. Nor was a candidate to be admitted to orders "*si in agricultura vel in vili aliquo et sedentario artificio fuerit educatus.*"

<sup>88</sup> Of some 8,800 parish churches in England in 1601 only 600, it was computed, afforded a competent living for a minister. Dr. James in debate in Parliament November 16th, 1601. Heywood Townshend, *Historical Collections or Proceedings in the last Four Parliaments of Elizabeth* (ed. 1680), 218-19. Sir S. D'Ewes, *The Journals of all the Parliaments during the Reign of Elizabeth* (ed. 1682), 640. How this came about see White Kennett, *Parochial Antiquities* (ed. 1695), 433-45.

his actual rank,<sup>89</sup> and this in an age of punctilious distinctions in forms of address. In the small country parishes the incumbent was often the only, or almost the only, educated man in the community. His advice had naturally considerable weight in parish affairs, and his pen was often required in the drawing up of official or legal documents, certifications or testimonials, the casting up of parish accounts and the like.<sup>90</sup>

We find in the act-books officiating rectors or vicars presented for non-residence upon their cures;<sup>91</sup> while rectors and other recipients of great tithes are "detected" at visitations for not repairing the chancels in their churches; or not maintaining their vicarage buildings with barns and dove-cotes;<sup>92</sup> or for not providing quarter sermons where the clergyman serving the cure was not himself licenced to preach;<sup>93</sup> beneficed men not resident are arraigned for not

<sup>89</sup> Examples will be found in the churchwardens' accounts of the period, the *Morebath*, (Devon) *Acc'ts* for instance, which have been transcribed *in extenso* up to 1573 by Rev. J. Erskine Binney (Exeter, 1904). The garrulous old vicar here, Christopher Trychay, who wrote the parish accounts himself for more than a generation, and always punctiliously styled himself "Sir," is a fascinating figure. Thanks to his chatty explanations on all subjects, bits of the daily life of this little Devonshire parish from Henry VIII's, from Edward VI's, from Mary's, and from Elizabeth's reigns are brought down to us with great vividness. Cf. James Stockdale, *Annals of Cartmel* (1872), 58-9 (Custom of addressing minister as "Sir" lingering down to nineteenth century in Lancashire).

<sup>90</sup> Lambard, *Duties of Constables, Borsholders*, etc. (ed. 1619 frequently made an appendix to his *Eirenarcha*), 67, says: "The . . . Lawes, hauing imployment of many to make, hath borrowed some use in a few easie matters of spirituall Ministers, chiefly for the helpe and readinesse of their pen, which in many Parishes few, or none (besides they) can serue withall."

<sup>91</sup> *Canterbury Visit.*, xxv, 22 (1590); 23 (1593). *Dean of York's Visit.*, 231 (1594); 315 (1595).

<sup>92</sup> *Warrington Deanery Visit.*, 184 (Farmer of advowson not repairing chancel); 186 ("Wm. Brereton of Hareford, Esquire," *ditto*); 188 (Executors of will of the late rector, *ditto*); 191 (Rector of Warrington); 192 (Rector of Wigan). *Canterbury Visit.*, xxv, 32 (Dean and Chapter of Christ Church. 1583); 26 ("Mr. John Smyth, Esquire"). For not keeping in repair vicarages, barns, dove-houses, etc., see *ibid.*, xxvi, 20, 32. Also *ibid.*, xxvii, 222, etc.

<sup>93</sup> Hale, *Crim. Prec.*, 160 ("*Dominus injunxit dicto* Simpson [rector of Pitsea, Essex] that he shall procure iiij<sup>or</sup> sermons in the yeare . . ." 157<sup>5</sup>/<sub>6</sub>). *Canterbury Visit.*, xxvi, 44 (Wardens present "they have no quarter sermons"). *Ibid.*, 213 (1569); 214

giving the fortieth part of their revenue to the parish poor;<sup>94</sup> resident ministers indicted for not keeping hospitality,<sup>95</sup> or for not visiting the sick.<sup>96</sup>

Just as the wardens were to look after the conduct of their minister, so the minister was required to fill the office of a censor upon the behavior of the wardens and to report to the ordinary their delinquencies—as, indeed, the trespasses of any among his congregation, though the latter task was more particularly assigned to the wardens and sidemen.<sup>97</sup> Furthermore the minister was the vehicle through which the commands of the authorities, lay or ecclesiastical, were conveyed to the parishioners. He was compelled to read these commands or injunctions at stated times and exhort his hearers to obey them. For failure to comply with this duty, he might be cited before the official,<sup>98</sup> and punished by that officer.<sup>99</sup>

The curate of East Hanningfield, Essex, is presented in 1587 for “that he hathe not geven warninge to the churchwardens to looke to there dutie in service tyme, for such as

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(1574); 222 (1600). *Dean of York's Visit.*, 222 (Wardens present “Mr. Deane for want of the quarter sermons.” 1592). *Canterbury Visit.*, xxv, 43 (“Sir Wm. Baldock our Vicar, himself unlicenced to preach, doth not provide a preacher for the sermons appointed by her Majesty's Injunctions.” 1593). The *Queen's Injunctions of 1559*, art. iv, provided that parsons should preach in their own persons at least one sermon in every quarter of the year.

<sup>94</sup> *Canterbury Visit.*; xxv, 22, 23 (two examples). *Ibid.*, vol. xxvi, 31, 44, 222, 319, etc. See *Queen's Injunc. of 1559*, art. xi.

<sup>95</sup> See authorities above cited. Whether the incumbent kept hospitality was a standing article of inquiry in the visitations of the period; e. g., Grindal's *Metrop. Visit. Art. of 1576*, *Remains of Grindal, Parker Soc.*, 157 ff.

<sup>96</sup> *Manchester Deanery Visit.*, 63 (“They [ministers of Manchester] be nott dutifull in visitinge the sicke”).

<sup>97</sup> “And if the churchwardens and swornmen be negligent, or shall refuse to do their duty . . . ye shall present to the ordinary both them and all such others of your parish as shall offend . . .” Archbp. Grindal's *Inj. at York, 1571*, *Remains of Grindal, Parker Soc.*, 129.

<sup>98</sup> Or judge acting by delegation from the ordinary.

<sup>99</sup> “Against the Reader [of Denton Chapel] . . . doth not Reade the Injunctions . . .” *Manchester Deanery Visit.*, 60. “*Qui* [wardens of Belby] *dicunt*, the Articles being diligentlie redd unto them [etc.] . . .” *Dean of York's Visit.*, 221 (1591). *Ibid.*, 341. Cf. *Queen's Inj. of 1559*, Art. xiv.

are absent from service.”<sup>100</sup> The curate of Monkton, Kent, is brought before the court in 1569 for that he “doth not call upon fathers and mothers and masters of youths to bring them up in the fear of God.”<sup>101</sup> When the arch-deacon sent down an excommunication against any one of the parish, it was delivered to the minister to be solemnly proclaimed by him from the pulpit,<sup>102</sup> and thereafter he had to see that the excommunicate person remained away from service until absolution was granted<sup>103</sup> by the ordinary, which absolution was then publicly pronounced from the pulpit.<sup>104</sup> When penance had to be done in church by an offender, it was the duty of the parson to superintend the performance; to say, if necessary, before the congregation the formula of confession prescribed for the offence, in order that the guilty person might repeat it after him;<sup>105</sup> to exhort the persons present to refrain from similar transgressions; to read, on occasion, some homily bearing upon the subject;<sup>106</sup> and finally to make out a certificate (together

<sup>100</sup> Hale, *Crim. Prec.*, 193. Cf. Grindal’s Inj. at York, 1571: “Ye [the ministers] shall openly every Sunday . . . monish . . . the churchwardens and sworn men of your parish to look to their oaths [etc.] . . .” *Remains of Grindal*, 129. Also Whitgift’s *Articles* of 1583, Cardwell, *Doc. Ann.*, i, 406 (Ministers to warn parishioners once a month to repair to church).

<sup>101</sup> *Canterbury Visit.*, xxv, 36.

<sup>102</sup> Cf. Canons of 1597: “*De recusantibus et aliis excommunicatis publice denunciandis.*” Cardwell, *Syn.*, i, 156. Also *Croke’s Eliz. Rep.*, Leache’s ed. (1790), i, Pt. ii, 838, where a plaintiff sues for damages because defendant, a curate, maliciously erased the original name in an instrument of excommunication and inserted plaintiff’s name, “and read it in the church, whereupon he was enforced to be absent from divine service, and to be at the expence to procure a discharge for himself” (1599). *Canterbury Visit.*, xxvii, 219 (Rector of Swalecliffe presented for keeping back and not announcing excommunications “sent out of this court.” 1596).

<sup>103</sup> *Canterbury Visit.*, xxvii, 219 (Rector suffering excommunicates to come to his church during service). See also *infra*, p. 47.

<sup>104</sup> Canons of 1585 and 1597, Cardwell, *Syn.*, i, 144 and 155–6 respectively.

<sup>105</sup> See in Hale, *Crim. Prec.*, 206–7, the elaborate formula of confession prescribed for Wm. Peacock of Leighton, Essex, in 1592. He was to “publicquely after the minister . . . confesse [etc.] . . .”

<sup>106</sup> Hale, *op. cit.*, 160 (Margaret Orton’s penance for adultery. “And ther was redd the firste parte of the homilie againste whoredome & adulterie, the people ther present exorted to refraine from soche wickedness . . .”).

with the wardens, if necessary) that the penance had been carried out as enjoined by the judge.

Besides the celebration of the rites pertaining to his priestly office, which need not detain us here, there were many other duties which the ecclesiastical courts enjoined on the parish incumbent. Some of these have already been referred to.<sup>107</sup> Others will appear as we view the discipline of the courts Christian when exercised over the parishioners at large, to which subject we shall now address ourselves.

Foremost among the requirements exacted by the ordinaries from all alike was the duty of attending church. Every one had to frequent service on Sundays and on feast-days, and to be present at evening as well as at morning prayer.<sup>108</sup> Nor might a man repair to a church in another parish because it was nearer than his own.<sup>109</sup> Should his own minister be unlicensed to preach—and only about one incumbent out of four or five was licensed<sup>110</sup>—he was not permitted, except under special authorization,<sup>111</sup> to hear a sermon in another church while service was going on in his

<sup>107</sup> See pp. 12-13, and p. 27, *supra*.

<sup>108</sup> *Barnes' Eccles. Proc.*, 114 (Parishioner in a Durham parish presented for absenting himself "twice at morning prayer, and verrey often at evening prayer." 1579). Houghton-le-Spring Acc'ts, *s. a.*, 1596, *Surtees Soc.*, lxxxiv (1888), 271 (Giving in a bill of presentment for those absent from morning and from evening prayer).

<sup>109</sup> *Canterbury Visit.*, xxvii, 221 (Four persons cited "for that they dwell so far from their own Church come now to the Parish Church of Westbere." 1569). *Ibid.*, xxv, 21 (Two men presented for not attending their parish church "being two miles off, but go to the next Parish Church." 1569). *Ibid.*, 23 (1600). *Op. cit.*, xxvi, 46 (Presentment of one who had often to be absent from his parish on business. 1593). *Dean of York's Visit.*, 227 (Attending another church for fear of arrest for debt in his own. 1594).

<sup>110</sup> See in Daniel Neal, *History of the Puritans* (J. Toulmin's ed., Bath, 1793-7), i. 413-17, contemporary (1585-6) statistics for the licensed preachers of nine counties. See also J. C. Cox, *Three Centuries of Derbyshire Annals*, i, 245 (Only 82 clergymen licensed to preach out of a total in the diocese of Lichfield of 433, according to a document *circa* 1602).

<sup>111</sup> For such a permit to hear preaching elsewhere, see Hale, *Crim. Prec.*, 189 (Six parishioners of Shopland (Essex) authorized by the archdeacon to repair to a neighboring church for a sermon when there is no preaching in their own, but only two permitted to leave their own services at any one time. 158 $\frac{6}{7}$ ).

own.<sup>112</sup> If, however, a man were able to pay the statutory<sup>113</sup> fine of 12d. for each absence on holy days he could, it would seem, in practice resort to his parish church only on occasions, say once a month, and yet not get himself written down as a recusant.<sup>114</sup>

Heads of families were made responsible for the attendance of their children and servants; innkeepers or victuallers for their guests.<sup>115</sup>

If it was not permissible to frequent service in another place of worship, neither was it optional with a parishioner to get married elsewhere than in his own church.<sup>116</sup> There, too, his marriage banns had to be published—and it was a presentable offence to marry without banns;<sup>117</sup> there he had to have his children christened<sup>118</sup> and his wife

<sup>112</sup> Hale, *ibid.*, 187–8.

<sup>113</sup> 1 Eliz., c. 2, sec. iii, *ad finem*.

<sup>114</sup> See 23 Eliz. c. 1, sec. iv (Forfeiture of £20 for every month's forbearance from church attendance). Cardwell, *Doc. Ann.*, i, 406 (Whitgift's *Articles of* 1583; minister and wardens to diligently observe those absenting themselves for the space of a month, according to 22 Eliz. [*supra*] in order that they may be presented as recusants to the justices at quarter sessions). See also in *Roxburghe Ballads* (1871), i, 118, a ballad written *circa* 1620 which tells us: "There be diuers Papists, That to saue their Fine, Come to Church once a moneth, To heare Seruice Diuine. The Pope giues them power, As they say, to doe so; They saue money by't too, But I know what I know." Cf. *Canterbury Visit.*, xxv, 27 (Presentment "that he is a negligent comer to our Parish Church, being not able to pay the forfeiture." 1597). *Ibid.*, xxvii, 223 ("John Wilkins be slothful in coming to the Church, and because he is a poor man we cannot take the fine of twelve pence." 1578). Also *ibid.*, xxvi, 46 (Humphrey Watts coming sometimes but once a month to church).

<sup>115</sup> *Canterbury Visit.*, xxvi, 18 (One Deal presented for keeping a schoolmaster, "and also being a victualler, suffereth him to remain in his house and not frequent Divine Service on the Sabbath Day." 1580).

<sup>116</sup> *Warrington Deanery Visit.*, 191 (One Motley "married not known where"). See other visitations, *passim*.

<sup>117</sup> *Warrington Deanery Visit.*, 192 (Four persons presented from Wigan for marrying without banns); 189, *et passim*.

<sup>118</sup> *Ibid.*, 184 (A child not baptized at the parish church); 189 ("A child christened, and not known where"); 190 (Same). Hale, *Crim. Prec.*, 216 ("Keeping her child unbaptized a whole moneth." 1597). *Ibid.*, 183 (Curate of Blackmore, Essex, suspended from the celebration of the rites because "there was tow children . . . which died unchristened by his negligence." 1584).

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churched;<sup>119</sup> there he was compelled to send sons, daughters or apprentices to be catechized,<sup>120</sup> and there himself learn the principles of religion (if he were ignorant of them), for without a knowledge of the Catechism and the Ten Commandments he could not receive communion.<sup>121</sup>

All persons over fourteen had to receive communion at Easter, and at least on two other occasions during the year.<sup>122</sup> In fact readiness to receive according to the Anglican rites became the test of a loyal subject.<sup>123</sup>

The strict requirement to report all non-communicants to the official resulted in the keeping of books in which were written the names of the parish communicants.<sup>124</sup>

Next in importance to church attendance and the observance of the sacraments came the duty of all parishioners to contribute to the parish expenses. We have viewed church courts at work, compelling wardens to levy church

<sup>119</sup> *Warrington Deanery Visit.*, 189; 190 ("His wife churched not known where"). Hale, *ubi sup.*, 167.

<sup>120</sup> *Warrington Deanery Visit.*, 185 (Office of judge against James Woswall: "His children come not to bee catechised"). See Canons of 1571 (Parents and masters to be presented for not regularly sending children or apprentices to learn the catechism), Cardwell, *Syn.*, i, 120.

<sup>121</sup> See *Queen's Visit. Art. of 1559* in Cardwell, *Doc. Ann.*, i, 211. Hale, *Crim. Prec.*, 226 (One Robinson presented for not going to his minister to be examined in the principles of religion of which he was ignorant). *Barnes' Eccles. Proc.*, 122-3 (An offender "lackeing the catechism dyde thrust in amongst others and receyvid . . ."). Another was "repulsed from the Communion because he coulde not saye the 10 commaundements, in whome we can perceyve no towardnes to learne them"). Also Hale, *ubi supra*, 146, 159, etc.

<sup>122</sup> Presentments for not receiving are numerous in the act-books. A few references are, *Dean of York's Visit.*, 219 ff. E. g., at Goathland 20 persons are presented by name. See also Hale, *Crim. Prec.*, 163, 171, 176, etc., and the other act-books heretofore cited. Also canons, injunctions and visitation articles of the time, e. g., Canons of 1571 (Vicars, etc., to present all over fourteen who have not received) in Cardwell, *Syn.*, i, 120. Grindal's Inj. for York, 1571 (All above fourteen to receive in their own churches at least three times a year), Cardwell, *Doc. Ann.*, i, 336.

<sup>123</sup> See Heywood Townshend, *Proc. in the Last Four Parl. of Eliz.*, Debates, *passim*.

<sup>124</sup> J. E. Foster: *Ch'wd'ns Acc'ts of St. Mary the Great*, Cambridge (1905), 225 (Item for paper book to write in all names of the parish at Easter. 1590-1). *Ibid.*, 202 (Item to a scribe for writing names of communicants). Thos. North, *Chronicle of St. Martin, Leicester, Ch'wd'ns Acc'ts*, 171 (Item same as above. 1568-9).

rates; we have now to see how the judges forced recalcitrant ratepayers to pay the sums assessed upon them to the wardens or other collectors.

Among the earliest vestry minutes of the parish of St. Christopher-le-Stocks, London, is one which, after ordering that an assessment be made for the clerk's wages and for pews, decreed that any rebellious persons should be summoned before themselves, the vestry, to be reformed. But if the rebel would not appear, or, on appearance, remain stubborn to reason, then the churchwardens should sue him before the ordinary at the parish costs "vntill suche tyme as he be reduced vnto a good order, and hath paid bothe the costys of the sute and the chargs that he owith vnto the church . . . ." <sup>125</sup> Fifty years later we find this vestry ordaining the same procedure to be followed against parish debtors, and referring to its former order. <sup>126</sup>

It seems, in fact, to have been the well-understood thing that just as parish rates to defray the costs of those matters of parish administration, falling within the province of the ecclesiastical courts, were to be assessed by the authority, and under the direction, of those courts, so, too, the recovery of these rates was to be had before the same tribunals. It is not denied that recourse may occasionally have been made in these matters to the courts of common law, but it is believed that the proper remedy was at ecclesiastical law. <sup>127</sup> Furthermore, we believe that the means at the disposal of the ecclesiastical courts for putting their judgments into effect were quite sufficient and in practice effective.

What these means were will be taken up and discussed a little further on. Returning to the matter of suing parish debtors in courts Christian, it is interesting to find that in

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<sup>125</sup> E. Freshfield, *Vestry Minutes of St. Christopher-le-Stocks*, Append., 71.

<sup>126</sup> *Ibid*, 7. For similar vestry orders see *Vestry Minutes of St. Margaret, Lothbury*, London (also edited by Dr. Freshfield), pp. 1 (1571) and 15 (1583). Also G. W. Hill and W. F. Frere, *Memorials of Stepney Parish*, 42 (1602), and 51 (160 $\frac{5}{8}$ ).

<sup>127</sup> Burn, *Eccles. Law*, i (ed. 1763), 274, *sub voce* Church, says: "And if any of the parishioners refuse to pay their rates, being demanded by the churchwardens, they are to be sued for, and to be recovered in, the ecclesiastical courts, and not elsewhere."

the language of the period a suit "at law" did not always mean at common law. An order of the vestry of Stepney, London, in February, 160 $\frac{5}{8}$ , after determining the manner in which £50 should be raised to pay off parish debts due to the bell founder, adds that persons refusing to pay their shares, or neglecting to do so, should not find themselves aggrieved "if the same be recouered against them by Lawe." And the meaning of this term is fully explained by these subsequent words in the same order, that the churchwardens shall "at the chardg of the p[ar]ish appointe and entertayne one doctor and a proctor to sue and recouer the same by lawe of any p[er]son [etc.]."<sup>128</sup> Now doctors and proctors practiced before ecclesiastical tribunals only.<sup>129</sup>

That presentment to the ordinary was the common and usual way, not only of recovering church rates, but anything of value that belonged to the parish and was unjustly detained, the act-books and other documents of the time plentifully show. Thus in Archbishop Parker's Visitation Articles for the diocese of Canterbury in the year 1569, he requires all churchwardens to report to their ordinaries "whether there be any money or stoke, appertaininge to any paryshe church, in anye manne's handes, that refuse or differeth to paye the same [etc.]."<sup>130</sup> The wardens of Melton Mowbray record under the year 1602 an item for charges at the court at Leicester against a parishioner "for not payinge his levi for the church."<sup>131</sup> Those of Ash-

<sup>128</sup> *Memorials of Stepney*, 51. Cf. *Acts of the Privy Council* (ed. Dasent), xxii, 482-3 (A tenant refusing a customary payment for church repair, presented by "the generall consent" of the parishioners of Lewesham to the commissary's court. He removes the cause to Star Chamber "to the extreame chardgis, trouble and hinderance" of one of the wardens, to the encouragement of like offenders, and to the "utter ruin and decaie" of the church. 1592). The source last quoted hereinafter cited as A. P. C., xxii (etc.).

<sup>129</sup> Besides the order just mentioned, the Stepney vestry had three years before ordained concerning their wardens that these were "to shew how they haue p[re]sented them [old dues in their books], Otherwise the said churchwardens shalbe charged to pay those Arrearages as shall remayne so vnpaid and not p[re]sented by them." *Op. cit.*, 43.

<sup>130</sup> Art. xxi, Cardwell, *Doc. Ann.*, i, 326.

<sup>131</sup> *Leicest. Archit.* (etc.) *Soc.*, iii, 204.

burton, Devon, itemize in 1568–1569 two shillings “for a zytation to those that wold nott pay to the power.”<sup>132</sup>

As the wardens of East Tilbury were going about among the parishioners demanding money of each one according to the rating inscribed on an assessment roll which they carried with them, one Garrett, a constable, discontented that he himself should be rated as high as four shillings, seized the roll and refused to produce it. This, of course, put an end to further collections. For this he was presented by the vicar before the consistory court at Stratford Bow Chapel. Here he alleged that the rating “was very unequally made.” But the judge warned Garrett to appear in court the following Tuesday to answer for his contempt. Further he was to pay his four shillings to the wardens and bring to the judge the wardens’ certificate that he had done so. On the day appointed Garrett was present in court with the vicar and wardens. The decree of the court is headed: “*Negotiu[m] reparac[i]o[n]is eccl[esi]e de East Tilburie*,” and is so characteristic of the thoroughgoing and searching manner in which ordinaries supervised the administration of parish affairs that we cannot forbear to quote a large part of it in full. “Touchinge the same W<sup>m</sup> Garrett,” the registrar inscribes in the act-book, “the churchwardens do here testifie that he hathe payd his iiij s. w[hi]ch he was rated at . . . & they saye they have receyved it. Towching the churchwardens & the repayre [of] the church,” the scribe continues, “the Judge doth order that the minister, Mr Howdsworth, [and seven others named, including wardens, sidemen and constables] . . . p[ro]cure workmen of all trad[es], & then sett downe under their hand in writing what chardg it will be to repayer the church sufficiently in all thing[s] wharein it is decayd, as namely, tyling, paving, masonns worke, carpenters worke & glasing . . . and when they have under the workmens hand founde what will repayer the churche in every p[ar]ticuler,

<sup>132</sup> J. H. Butcher, *The Parish of Ashburton in the 15th and 16th Centuries* (1870), 42. See also *ibid.*, 40 and 49. Also H. J. F. Swayne, *Acc'ts of St. Edmund and St. Thomas, Sarum* (Wilts Rec. Soc. 1896), introd., p. xxv, and p. 317.

then shall they all nyne assemble themselves in the church [on a day named] . . . and make a rate to that proportion w[hi]ch shall remayne above the rate already allowed of . . . and they shall certify in Stratford bowe Chappell bothe of the vew making by the workmen, of the gathering of the rate already made, of their making a new rate . . . and of the gathering thereof; and likewise how farr they have p[ro]ceeded in the repayer of the church the ix<sup>th</sup> of Aprill next: and for the punish[men]t of him, the said W<sup>m</sup> Garrett, for his contemptuous taking away of the rate, as is complayned of, it is respited untill this p[resent] order be p[er]formed; & he is now monished to appeare in the Consistorie the first court day [etc] . . . ." <sup>133</sup> So, too, when Richard Fynsett of Clayton, Sussex, was "detected" to the official for not paying his rate for church repairs, November, 1595, he appeared and claimed that not only was his rating excessive, but that the assessment had not been according to custom, to wit, made by the majority of the parishioners. He was summoned by the judge to prove his allegation at the next court day, and to pay his court and other fees. He was probably unable to prove his point, for under the 9th December following the record simply states "*Comparuit et solvit feoda debita.*" <sup>134</sup>

The wardens of Swalecliffe, Kent, complain to the archdeacon of Canterbury in 1565 that their church is near utter decay, but the parish is so poor that they cannot repair it unless an assessment be made on the lands within the parish, for the making of which assessment they ask for an authorization. <sup>135</sup> Two years later they appear and say in

<sup>133</sup> Hale, *Churchwardens' Prec.*, 4-10, 5th to 8th March, 1607. Cf. *ibid.*, 16.

<sup>134</sup> Hale, *op. cit.*, 109-110.

<sup>135</sup> *Canterbury Visit.*, xxvii, 218. Authorization to tax the land is not asked for in express terms, but seems to be implied. In other cases it is clear that a warrant was given for the assessment of lands, e. g., Hale, *Churchwardens' Prec.*, 4 (A warden of Chelmsford, Essex, to appear in court "for a warrant for seassment of the landes." 1584). Sometimes the rates made were offered in court to be confirmed, Hale, *ibid.*, 8 (A rate "offered" to the judge at Stratford at Bow. 1607). *Canterbury Visit.*, xxv, 14 (A rate, subscribed by the boards of the parishioners, "and certified under Mr. Doctor Newman's own hand." 1613).

court that their church still lacks windows, "and the parish is not able to mend the same, without it may please you that the rest of the cess that was made may be levied, which we cannot get unless we have your aid."<sup>136</sup>

In the same way the wardens of St. Alban's "implored the aid of the judge," because they wished divers persons who refused to pay their rates "co[m]pelled therunto by authoritie of this court," otherwise the unpaid workmen on their ruinous church would leave, and the half-finished structure sustain damage by winter weather.<sup>137</sup> The act-books teem with such presentments as the following: one Holaway refuses to give to the poor-box, "and is found able by the parish."<sup>138</sup> Thomas Arter will give but a half-penny to the poor. Arter appears and "saithe that he is not of the wealthe that men takithe him to be." The judge commands him to pay a half-penny every week, and dismisses him.<sup>139</sup> "John Wilson haithe not paide his clerke wages by the report of the clerke."<sup>140</sup> "Here follow the names of such, as being able, refuse notwithstanding to pay to the poor man's box [eight names follow]";<sup>141</sup> or "The presentment made by the churchwardens and sidemen . . . of all such as are behind for a cess made for the Church and refuse to pay [five names]."<sup>142</sup> John Baldwin presented for that "the fame and report goeth" that he keeps back £10, a legacy given seven years previously for church repairs and the poor-box, "and the Church and the poor have wanted the same, having no benefit thereof, as we

<sup>136</sup> *Canterbury Visit.*, *ubi supra*.

<sup>137</sup> Hale, *Churchwardens' Prec.*, 90-1 (1603).

<sup>138</sup> *Canterbury Visit.*, xxvii, 223 (1569). Cf. *ibid.*, 214. Also *ibid.*, xxvi, 18 (Three persons presented who will not "pay to the poor mens' box." 1574).

<sup>139</sup> Hale, *Crim. Prec.*, 149 (1566). Cf. *ibid.*, 176 ("Detected for beinge an uncharitable person & for not gevenge to the poore & impotent . . ." 1583). *Ibid.*, 208 (One Crisp detected for not paying his accustomed "offering" for himself and wife to the minister at Easter. 1593).

<sup>140</sup> *Dean of York's Visit.*, 229 (1595). *Ibid.*, 214 (Similar presentment, 1570). *Ibid.*, 335 (Same. 1600). *Ibid.*, 223 (Bellman's wages).

<sup>141</sup> *Canterbury Visit.*, xxvi, 22 (1598).

<sup>142</sup> *Ibid.*, 20 (1592).

know.”<sup>143</sup> One Consant received a cow belonging to the parish “and hath not made an account to the parish for her.”<sup>144</sup> Jeremy Robson is cited “for detaining our Clerk’s wages from the land which he occupieth in our parish after 6 s. 8 d. for a plough land of 140 acres.”<sup>145</sup> Two lessees of the parish are presented “for withholding the farm of two acres and a half of church land one year and a half unpaid.”<sup>146</sup> John Smithe presented for felling and selling a great oak which stood upon church land, “whereas now we stand in lack of the same to repair our Church.”<sup>147</sup> A parishioner is cited before the ordinary because he withholds church goods and refuses both to enter into bond for them and to make an accounting.<sup>148</sup> So men are presented for not paying the parish fees due for the burial of members of their family, or for the ringing of knells;<sup>149</sup> for suffering a church tenement or a part of the church fence, which they are bound to repair, to fall into decay,<sup>150</sup> and so forth. In short, any one at all, whether in the capacity of parish officer; rate payer; trustee; administrator or executor; lessee of the parish cattle or its lands or tenements—any one, in fact, standing in the relation of debtor to the parish in a matter falling within the jurisdiction of the spiritual courts, could be, and was, compelled by these to pay or to account to the parishioners.

Not only did the Church regulate many acts of a parishioner’s life, and preside over his moral conduct, making him pay in great measure the costs of this disciplinary administration, but it also was entrusted with his education, through

<sup>143</sup> *Ibid.*, 21 (1596), 44. *Op. cit.*, xxv, 32 (“We do suppose that [name] . . . doth keep back from us a certain sum . . . given by will to the use of the Church . . . and we know not how we may come by the same, unless your Worship’s aid be ministered unto us in that behalf.” 1581). *Ibid.*, 22, 23, 26 etc.

<sup>144</sup> *Op. cit.*, xxvii, 219 (1569). *Op. cit.*, xxv, 14 (Keeping church ewes and not paying rent for them. 1613).

<sup>145</sup> *Op. cit.*, xxvi, 33 (1605).

<sup>146</sup> *Ibid.*, 39 (1600). *Ibid.*, 31.

<sup>147</sup> *Op. cit.*, xxvii, 224 (1584).

<sup>148</sup> *Op. cit.*, xxv, 13 (1600).

<sup>149</sup> *E. g.*, Hale, *Crim. Prec.*, 221 (1599).

<sup>150</sup> *Dean of York’s Visit.*, 333 (Church house. 1601). *Ibid.*, 214 (Churchyard fence. 1570).

which it sought to control his ideas and convictions, and to direct and form public opinion. The education and training of a nation depend, of course, in greatest measure on its primary schools and its press. As for its universities, these are but the apex on the educational pyramid, for a very select few only. Now the primary schools were represented in the times whereof we write by the parish schoolmaster, the familiar "*ludimagister*" of the canons and act-books, and by the incumbent himself. For the people at large the press was represented almost entirely by the licenced preacher, and, in the larger towns, the licenced lecturer.

The Canons of 1571 ordain that no one shall teach the humanities nor instruct boys, whether in school or in private families,<sup>151</sup> unless the diocesan licence him under his seal. Nor are schoolmasters to use other grammars or catechisms than those officially prescribed. Every year schoolmasters are to commend to the bishop of the diocese the best read among their pupils, and those that by their achievements give promise that they may usefully serve the State or the Church, so that their parents may be induced to educate them further to that end.<sup>152</sup> Bishop Barnes in his Injunctions of 1577 commands that all incumbents of cures in Durham diocese not licenced to preach shall "duly, paynefully and frely" teach the children of their several parishes to read and write. Furthermore, teachers shall exhort the parents of those boys who have proved themselves apt at learning and of "pregnant capacitie" to cause their sons to continue their studies and to acquire the good and liberal sciences. On the other hand they shall induce fathers of sons of little wit or capacity to put them to husbandry, or some other suitable craft, that they may grow to be useful members of the commonwealth.<sup>153</sup> In this diocese we find schoolmasters by profession ("*ludimagistri*") summoned at the visitations very regularly, and there seem to have

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<sup>151</sup> The higher nobility excepted.

<sup>152</sup> Cardwell, *Syn.*, i, 128.

<sup>153</sup> *Barnes' Eccles. Proc.*, 19.

been a considerable number of them in the towns, though not in the country parishes, where the curates doubtless officiated as instructors of the youth according to the bishop's monitions.<sup>154</sup> Everywhere in the proceedings of the ecclesiastical courts schoolmasters are "detected" to the judges from time to time for having no licence to teach.<sup>155</sup>

As for the pulpit, that great instrument of political guidance at a period when politics consisted chiefly of religious contentions,<sup>156</sup> it is well known that Elizabeth and her advisors grasped at once its paramount importance, and that she had been on the throne but little over a month when she issued her proclamation inhibiting all preaching and teaching for the time being. This command was followed by her Injunctions of the next year, forbidding any to preach unless licenced by herself, her two archbishops, the diocesan, or her visitors.<sup>157</sup> As is well known also, no command was more universally enforced. It is constantly mentioned in the metropolitan or diocesan injunctions or articles of the period,<sup>158</sup> and the proceedings before the ordinaries bear witness to its enforcement.<sup>159</sup>

<sup>154</sup> See, e. g., *op. cit.*, 42-45 (5 schoolmasters mentioned by name at Allhallows, Newcastle; 4 at St. Nicholas). In Durham city "*sub-pedagogi*" are also spoken of in the various wards.

<sup>155</sup> *Op. cit.*, *passim*. Other examples will be found in *Dean of York's Visit.*, 225, 229 etc. Hale, *Crim. Prec.*, 154, 184-8 (John Leache's case. 1584-6), 190, 198 (One Dawe's wife teaches without a licence. Warned not to teach any "man child above the age of x yeres, untyll she shall be lawfully licenced." 15 $\frac{8}{9}$ ). *Canterbury Visit.*, xxvi, 20, 21, 25, 31, etc.

<sup>156</sup> See J. Cordy Jeaffreson, *A Book about the Clergy*, ii, 58.

<sup>157</sup> Cardwell, *Doc. Ann.*, i, 176 and 182.

<sup>158</sup> See also Archbishop Parker's and other commissioners' precept to churchwardens and others in June, 1571 ("And that in no wise ye suffer any person publicly, or privately to teach, read or preach . . . unless such be licenced [etc.] . . . as you and every one of you will answer to the contrary"). *Corresp. of Archbp. Parker, Parker Soc.*, 382-3. Cf. also Archbp. Whitgift's 'Commission' to the ministers and churchwardens of London, Aug., 1587, forbidding "that they . . . do suffer any to preach in their churches or to read any lectures [etc.] . . ." Neal, *History of the Puritans*, (Toulmin's ed. 1793), i, 428.

<sup>159</sup> E. g., Hale, *Crim. Prec.*, 188 ff. (Leach, a schoolmaster, was cited for catechizing and preaching, being unlicenced. He was strictly warned by the judge not to "use any private lecture or ex-

Parish opinion was further sought to be moulded by the reading in church of various tracts, homilies, monitions, forms of special prayers, etc., etc., which the wardens were ordered to procure from time to time, and which are very often met with in their accounts. These official mediums of information or edification conveyed to the good people of the parishes some knowledge of the events and politics of the realm and of the world beyond it. Thus they heard of the overthrow of the rebels in the North of England (1569), the ravages of the great earthquake of 1579; the progress of the plague; or, again, of the struggle of the French Protestants led by Henry of Navarre, the defeat of the Turks at Lepanto, and so forth.<sup>160</sup>

As food for the more advanced minds of the congregations, ordinaries saw to it that volumes dealing with the interpretation of the Scriptures, the polity of Church and State, and the defence of that polity were provided for every parish church. Such works were Erasmus' Paraphrases, Bullinger's Decades, Bishop Jewel's works, and other writings of an apologetic nature. To a certain extent news was also spread, and grievances were aired, in unofficial broadsides or ballads. These treated of such subjects as the untimely end of traitors great or small; the adven-

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positions of Scripture or catechisinge of his schollers in the presence of anye . . . not . . . of his owne howse-hold [etc.]" 1586-7). *Ibid.*, 202 (A curate detected for preaching without a licence. He confessed "that he hathe expounded" a little on the text, "but wold that Mr Archdeacon would appoint some time that he might preache before his wor[ship], and yf he should accepte of him, he would request his wor[ship] to be meanes unto my Lord of London that he may be licenced to preache." 1591). W. H. Overall and A. J. Waterlow, *St. Michael's, Cornhill*, (London) *Acc'ts* (1869), 176 ("Paide to Mr. Sadlor for avoidinge one excommunication for suffering a Preacher to preache in o[u]r Churche, being unlycenced, iij s. viij d." 1587-8).

<sup>160</sup> In 1585 the wardens of Pitlington (Durham) are "commanded to bye for everie person in our parish a booke . . ." *Surtees Soc.*, lxxxiv, 19. Examples taken promiscuously from the wardens accounts of the day are: "paid for three prayer books for the good successe of the French Kinge;" "paid for a prayer of thanks gevinge for ye over throwe of the Rebelles in the North." In many accounts occur items for books of prayers "for the Earthquake," or "against the Turke," or "Omelines against the rebells," or "in plague tyme," etc.

tures of her Majesty's soldiers and sailors; the rapacity of landlords and the evils of the enclosure movement.<sup>161</sup>

But these publications and all other printed matter were subject to the strict censorship of Church and State. Extremely few presses were permitted in England, and these few under the jealous supervision of the high ecclesiastical authorities, as is evidenced by the numerous orders or decrees issued by them to the Master and Wardens of the London Stationers Company, which, with a very few special patentees, enjoyed the monopoly of printing.<sup>162</sup>

Having now reviewed the chief administrative functions of the spiritual courts and their mode of exercise, the question presents itself, What were the means at the disposal of the ordinaries for enforcing their decrees? The principal one of these has already been mentioned incidentally, viz., excommunication. Excommunication was the most usual, as it was by far the most effective, weapon for compelling obedience to the mandate of the judge in any matter whatever. Indeed without this instrument of coercion the ecclesiastical judges would have been impotent.

Excommunication was of two kinds, the lesser and the greater. The former was in constant use (to employ the words of a contemporary document) "for manifest and wilful contumacy or disobedience in not appearing when . . . summoned for a cause ecclesiastical, or when any sentence or decree of the bishop or his officer, being deliberately made, was wilfully disobeyed . . ."<sup>163</sup> Even under the lesser excommunication a man could not attend service, and he

<sup>161</sup> A number of ballads dating from the reigns of Elizabeth and James have been very recently (Oxon. 1907) published by Mr. Andrew Clark under the title of *Shirburn Ballads*.

<sup>162</sup> One of the earliest orders of the High Commissioners preserved dates from 1560 and directs the Wardens of the Stationers to stay certain persons from the printing of primers and psalters in English and Latin, for which printing one Seres had obtained a monopoly. C. R. Rivington, *The Records of the Worshipful Company of Stationers in London and Middlesex Archæol. Soc. Tr.*, vi, 302.

<sup>163</sup> "A writing of the bishops in answer to the book of articles offered the last session of parliament anno reginæ xxvii [etc.]." So called by Strype, but assigned by Dr. Cardwell to a date later than 1584. Cardwell, *Doc. Ann.*, i, 426. "Excommunication" in the act-books and elsewhere almost invariably refers to the lesser excommunication.

was deprived of the use of the sacraments.<sup>164</sup> If an excommunicate sought to enter church with the congregation, either he had to be forcibly expelled or the service could not proceed.<sup>165</sup> If he continued in his contempt of court he made himself liable to the greater excommunication,<sup>166</sup> and then he was virtually an outcast from the society of his fellow parishioners.<sup>167</sup> That excommunication was feared by the great majority of parish folk there is no reason to doubt. Certainly the greater excommunication might seriously injure a man in his business as well as his social interests, not to mention the trouble and expense of getting an absolution.<sup>168</sup> That excommunication reduced most of-

<sup>164</sup> Thus he could not receive communion, be married, stand as godfather, etc. Burn, *Eccles. Law*, i, 252-3. Compare *Antiquary*, xxxii (1896), 143 (Penance and heavy costs for a man who "being excommunicated . . . ded presume to marye before . . . he was absolved." 1583). Also Hale, *Crim. Prec.*, 223 (Presentment of an excommunicate for marrying. 1600).

<sup>165</sup> See Hale, *op. cit.*, 198 (Archdeacon's instructions to a curate in 1589). *Ibid.*, 200 (Minister stopping service as an excommunicate would not leave. 1590). *Hist. MSS. Com. Rep. Var. Coll.* (1901), 78 (Complaint by a vicar to Wilts quarter sessions that an excommunicate tried to remain at service. 1606). *Associated Architectural Soc. Rep.*, (etc.), xxxiii, Pt. ii (1897), 373-4 (Device of procuring an excommunicate to enter church and interrupt service so certain youths could continue their morris-dancing. 1617). Chelmsford Acc'ts, *Essex Arch. Soc.*, ii, 213 (Item for "carrying Roger Price out of the Church, he being exco[m]municated" . . . 1632).

<sup>166</sup> See Canons of 1597, Cardwell, *Syn.*, i, 156. Burn, *op. cit.*, 457-8. For such a sentence see E. H. Chadwyck Healey, *Hist. of West Somerset* (1901), 184 (Archdeacon of Taunton requiring a minister to denounce solemnly three obstinate excommunicates, and to warn all good Christians not to eat or drink, buy or sell, or otherwise communicate with them under the pains of being themselves excommunicated. 1628).

<sup>167</sup> Thus those who talked with him, ate at the same table with him, saluted him, or gave anything to him were themselves *ipso facto* excommunicate. See Reeve, *Hist. of English Law* (Finlayson's ed.), iii, 68. If such an excommunicate brought an action at law, the defendant could plead in bar the excommunication. The testimony of such a man was not admissible in court. Finally, he could not be buried in the parish churchyard nor could services be performed over his body. Burn, *loc. cit.*, *supra*.

<sup>168</sup> See the case of *Kenton v. Wallinger*, 41 Eliz., *Croke's Eliz. Rep.*, Leache's ed., Pt. ii, 838. This has already been mentioned on p. 33, note 102. In the Leverton, Lincoln, Overseers for the Poor Acc'ts, there occurs, s. a. 1574 an item of 7s. given to John Towtynge "for the discharge of . . . his excomynacion," and the next year a sum of 2s. 6d. given to a woman for a like discharge. *Archæologia*, xli, 369-70.

fenders to order the church court proceedings demonstrate. If, however, a man were obdurate and hardened he was turned over to the Queen's High Commissioners, and these, while making the fullest use of ecclesiastical procedure and the oath *ex officio*,<sup>169</sup> also freely employed the penalties of the temporal courts, viz., fines and imprisonments. As no ecclesiastical offence was too small for the Commissioners to deal with, and as their jurisdiction was not limited (like that of the ordinaries) to a district or a diocese, courts of High Commission may be called universal ordinaries.<sup>170</sup> Finally, if a person stood excommunicate over forty days, an ecclesiastical judge, on application to the diocesan, might procure against him out of Chancery the writ *De excommunicato capiendo*. This writ was probably not very often resorted to in practice, partly because of the great expense involved, and partly perhaps, too, because of the slack execution of the writ by certain undersheriffs or bailiffs, encouraged as they were by the rather hostile attitude sometimes assumed against the courts Christian by the Queen's temporal judges.<sup>171</sup> The writ was, however, certainly no dead letter, and served also *in terrorem* to reduce stubborn offenders.<sup>172</sup> Indeed Archbishop Bancroft in 1605 called

<sup>169</sup> Whereby any but a perjured man would be forced to incriminate himself.

<sup>170</sup> Cf. Maitland, *Canon Law in the Church of England*, chapter, "The Pope the Universal Ordinary." For proceedings by High Commissioners see Stubbs in *Eccles. Courts Com. Rep.* to Parliament (1883), i, Hist. Append., 50.

<sup>171</sup> As to the expense in suing out the writ, and also the slackness of bailiffs, etc., in executing it, see [R. Cosen], *An Apologie of and for Sundrie proceedings by Jurisdiction Ecclesiasticall* (1st ed., London, 1591), 64-5. Speaking of the great charges incurred in suing out the writ Cosen writes: "So that I dare auowe in Sundrie Diocesses in the Realme, the whole yeerly reuenue of the seuerall Bishops there woulde not reach to the iustifying of all contemours . . . by the course of this writte." That temporal judges sometimes set prisoners under the writ free at their own discretion without notice to the spiritual judges, see Bancroft's *Petition to the Privy Council* in 1605, Cardwell, *Doc. Ann.* ii, 100. For hostility of temporal judges for ecclesiastical jurisdiction, see Bancroft, *op. cit.*, 85. He counts up 488 prohibitions during Elizabeth's reign, many of them awarded without good cause and "upon frivolous suggestions" of defendants (*Op. cit.*, 89).

<sup>172</sup> Hale, *Crim. Prec.*, 145 ("Dominus decrevit scribendum fore regie majestate pro corporis capcione [etc.].") The threat subdued

it "the chiefest temporal strength of ecclesiastical jurisdiction."<sup>173</sup>

In view of the fact that "standing excommunicate" was in itself a presentable offence before the ordinary, and an offence often presented,<sup>174</sup> and in view of the further fact that the excommunicate might, according to a contemporary who writes with authority, "be punished for absence from

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the excommunicate, for 15 days later "*solutis xxxiiis. . . . pro expensis contumacie*," absolution was given, and penance enjoined. 1562). *Ibid.*, 172 (Similar threat, we do not hear of the outcome). Cf. R. W. Merriam, *Extracts from Wilts Quarter Sess. in Wilts Arch. and Nat. Hist. Mag.*, xxii (1885), 20 (Affray because of an arrest under the writ. 1604). See also Whitgift's note to his bishops in 1583, Cardwell, *Doc. Ann.*, i, 404-6 ("If the ordinarie shall perceave that, either by slackness of the justices or waywardness of juries," recusants cannot be indicated at quarter sessions, then the ordinary shall, after first trying persuasion, excommunicate the culprits, and after forty days procure the writ against them). Bancroft writes, March, 1605, that he will use his "uttermost endeavour" to aid his suffragans in procuring the writ, and in having it faithfully and speedily served. Cardwell, *Doc. Ann.*, ii, 80. Cf. also the satirical single-sheet, published June, 1641, entitled *The Pimpes Prerogative . . . a Dialogue between Pimp-Major Pig and Ancient Whiskin*, in *Brit. Mus. Coll. of Polit. and Personal Satires*. Pig: "Tush, their Excommunications fright not us; but our Land-ladies (poore soules) lie in most danger; for them they serve after with *Excommunicato capiendo*, and then our Forts are beleaguer'd with Under-Sheriffs, Bum-Bayliffs, Shoulder-clappers, etc., whom we sometimes beat back by violence."

<sup>173</sup> Cardwell, *loc. cit.*, 100. Ecclesiastical jurisdiction derived also much temporal strength from the fact that practically every bishop was also a justice of the peace. For proof of this see Strype, *Annals of the Reformation* (Oxon. ed.), iii, Pt. ii, 451 (Bishop of Peterboro' complaining that he alone was left out of the commission. 1587). Cardwell, *Doc. Ann.*, ii, 80 (Bancroft's letter, 1605: "We that are bishops, being all of us (as is supposed) justices of the peace"). When commissioning justices Burghley referred to the bishops for lists of orthodox men. See such lists in Strype, *op. cit.*, 453-60. Also in Strype, *Life of Whitgift*, i, 187-8. *Victoria County History of Cumberland*, ii, 73-4. *Sussex Arch. Soc. Coll.*, ii (1849), 58-62. Mary Bateson, *Letters from the Bishops to the Privy Council, 1564, with Returns of the Justices of the Peace*, etc., in *Camden Miscellany*, ix (1895). By 1 Eliz. c. 2, bishops could at pleasure associate themselves to justices of *oyer and terminer* or of assize. Cf. Strype, *Whitgift*, 329.

<sup>174</sup> Presentments on this score are frequent. Take only a single jurisdiction, that of the Dean of York's Peculiar, between the years 1592-1601, and a number will be found. See *Dean of York's Visit.*, 222 (5 persons); 226, 229, 315, 326, 329 (Remaining excommunicate for a month); 334 (Over 40 days. Also a person presented for harboring an excommunicate); 335 (Over a year); 341 (14 days).

diuine praier, neither shall his excommunication excuse him, for it is in his owne default,"<sup>175</sup> it is queried whether such an involuntary absentee from church did not make himself just as liable to presentment at quarter sessions for recusancy<sup>176</sup> as any voluntary recusant. Perhaps it is for this reason that grand juries are sometimes complained of for discriminating among the names sent in to them on the bishops' certificates for indictment at quarter sessions, and for certifying some and throwing out others "at their pleasure."<sup>177</sup>

But be this as it may—and it is conjecture unsupported by positive proof—enough has been said, it is hoped, to show that ordinaries were quite capable of making their decrees obeyed, and that excommunication (contrary to the commonly received opinion) was a most effective means of coercion. Many, indeed, were its uses. It might (or its equivalent interdiction or suspension<sup>178</sup>), as has been seen,<sup>179</sup> be used to compel a parish officer to perform the duties of his office. It might also be employed, when persuasion failed, to induce a parishioner to accept office when chosen by his fellows.<sup>180</sup> But, it would seem, one single definition would comprise all cases: excommunication was employed against all those who disobeyed some order of the spiritual judge, express or implied—it was a summary process for contempt of court, in fact, and was daily used as such.

To recapitulate: a very large part of the parishioner's

<sup>175</sup> Cosen, *An Apologie*, etc., 64. As has been above stated, an excommunicate could not attend service. P. 47 *supra*.

<sup>176</sup> According to 23 Eliz. c. i, sec. 4 and sec. 6.

<sup>177</sup> See *A. P. C.*, xiii, 271–2 (1581). Cardwell, *Doc. Ann.*, i, 406 (Whitgift alludes to the "waywardnes" of juries).

<sup>178</sup> Not suspension from office (as might be supposed) but from service and sacraments.

<sup>179</sup> P. 19, note 33, *supra*.

<sup>180</sup> Hale, *Crim. Prec.*, 150 ("Contra . . . Because he will not be churchwarden accordinge to the archdeacon's judgment." Excommunicated. 1566). *Ibid.*, 162 ("Contra . . . Detectum that he obstinately refuseth to be churchwarden, notwithstanding he was chosen by the consent of the parson and parishioners." Excommunicated. 1576). Cf. *ibid.*, 183 (Presentment for refusing to be sideman), and *ibid.*, 207 (Refusing churchwardenship).

life and activity fell under the surveillance and regulation of the ecclesiastical courts. They compelled him to attend on specified days his parish church, and no other; to be married there; to have his children baptized and his wife churched there; to receive a certain number of times communion there; to contribute to the maintenance of church and churchyard, as well as to the finding of the requisites for service or the church ornaments or utensils. In his parish church he and his children were catechized and instructed, and, if the latter were taught in a neighboring school-house, it was under the strict supervision of the ordinary and by his or the bishop's licence and allowance. So true was this that the schoolmaster was, like the parson, a church officer. For the parishioner his church was the place of business where all local affairs, civil or ecclesiastical, were transacted, as well as the centre of social life in the village. Here the mandates of the authorities in Church and State were read to him; here he was admonished of his duty to contribute to, or to perform, the burdens of parish administration and warned of the penalties for neglect; here he met with his fellows to settle parish affairs and audit parish accounts, or to choose parish officers under the auspices of the ordinary, being himself compelled, if necessary, by that official to serve when his own turn for office came round. As churchwarden it was his duty to collect the rents from parish lands and tenements, and to see that parish offerings were gathered and the parish rates assessed and paid, or recovered by means of the ecclesiastical courts. If the church was ruinous; if bread and wine were lacking for the communion; if any of the books, furniture, utensils or ornaments enjoined by the diocesan's articles or by the canons were missing; if the curate did not follow the Rubric, or retained "superstitious" rites; if the yearly perambulation was omitted; if faults of the minister or of the parishioners were not presented: he and his fellow-warden were held responsible by the official.

The machinery which the canon and the civil law placed at the disposal of the ordinary for his judicial administra-

tion of the parish was extraordinarily flexible. Courts Christian were unencumbered by the formalities of the common law or by the coöperation of juries. They could proceed *ex officio*, i. e., without formal presentment and upon hearsay only, and they were armed with the formidable power of administering the oath *ex officio* by which a parishioner was forced to disclose all he knew against himself. They could in all cases command the *doing*, as well as the *giving*<sup>181</sup> of a thing—powers far more extensive than those possessed by any court of equity of today. Lastly, it was their custom to require that a return be made in court, or in other words, a certification, that their commands had been duly performed—thus stamping them as true administrative bodies. It was inevitable from the nature of their jurisdiction and procedure that abuses should be committed both by ecclesiastical judges and by their officers, such as registrars, proctors and apparitors. These judges wielded an admirable instrument of administration and discipline, one that could be bent to meet any emergency, but this efficiency had been attained at the sacrifice of some indispensable safeguards for the carrying out of impartial justice. First, no parishioner's acts, whether done in an official or a private capacity, were ever quite safe from misrepresentation, or downright falsification by his enemies, for secret denunciation to wardens or sidemen (or to the ordinary himself) by any one<sup>182</sup> might start a proceeding

<sup>181</sup> In equity specific performance is nothing more than the giving of an instrument transferring title after all has previously been done on both sides, but this, to complete the transaction.

<sup>182</sup> Denunciation "in many poyntes resembleth a Presentment," Cosen, *An Apologie* (etc.), 70. See his book for the modes of proceeding. Cf. also Hale, *Crim. Prec.*, Introd., p. lviii. In commenting on Archdeacon Hale's book, which we have so often here cited (*A Series of Precedents in Criminal Causes from the Act Books of Ecclesiastical Courts of London, 1475-1640* [pub. in 1847]), Sir J. F. Stephen in his *History of Crim. Law in England*, ii, 413, makes these observations: "It is difficult even to imagine a state of society in which, on the bare suggestion of some miserable domestic spy, any man or woman whatever might be convened before an archdeacon or his surrogate and put upon his or her oath as to all the most private affairs of life; as to relations between husband and wife; as to relations between either and any woman

against the person denounced and force him upon oath to disclose the most private, the most confidential, matters. Again, proctors, apparitors, registrars, and other scribes whose fees depended on citations and the drawing up of court proceedings, documents, or certificates, had every interest in haling persons before the official, because court fees had to be paid whether a man were found innocent or guilty.<sup>183</sup> Hence the system tended to create spies, of

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or man with whom the name of either might be associated by scandal; as to contracts to marry, as to idle words, as to personal habits, and, in fact, as to anything whatever which happened to strike the ecclesiastical lawyer as immoral or irreligious."

<sup>183</sup> The case of John Johnson in the official's court in Durham city forms an excellent commentary on the whole system. He was presented as suspected of incontinency. After repeated citations and a threat of excommunication, he appeared, denying the charge and alleging that a churchwarden with others had falsely concocted it. At the petition of an apparitor, who acted as public prosecutor, seven of Johnson's fellow-parishioners were cited to swear not to the *fact* of his guilt, but to the general *belief* in it. Articles were then drawn up upon which depositions were taken and published. The case was adjourned repeatedly so that the many formalities of procedure might drag out their weary length. The oath *ex officio* was forced on Johnson, but he denied all guilt. Finally, he was enjoined to procure three compurgators. These swore that they believed "*in animis suis*" that Johnson had sworn to the truth. Though pronounced innocent, Johnson was condemned to pay the costs of all the formalities that the apparitor had set in motion against him, and a last time was dragged into court in order to be admonished under pain of excommunication to pay these fees, amounting to £1. 3s. 4d., within a month! The case had extended from 11th June, 1600, to 22nd May, 1601. *Surtees Soc.*, lxxxiv (1888), 359-362. Cf. also the following: "payed for annswerynge dyuerse faulse vntrothes suggested by [five names] to the sayd Commyssyoneres vj s. viij d." Minchinhampton, Gloucester, Acc'ts, s. a. 1576 (archbishop's visitation), *Archæologia*, xxxv. "pd. for our charges to lycoln when we were p[re]sented by the apparytor uniustly for that our church should by [be] mysused vs. vjd." Leverton, Lincoln, Acc'ts, s. a. 1579, *Archæologia*, xli, 365. Under 1595 the Leverton wardens have the entries: "pd. to the apparitor for fallts in the churche ijs. viijd.," and: "for playing in the churche iijs. viijd." The last is explained by a third entry: "to the apparator for suffering a plaie in the church." (*Op. cit.*, 367.) This looks like bribery, or blackmail, or both. For examples of bribery see Wing Acc'ts, s. a. 1561, *Archæologia*, xxxvi ("to ye S[um]-m[o]ner to kepe us ffrom Lincoln for slacknes of o[u]r auters"). Abbey Parish Acc'ts, s. a. 1600, *Shrop. Arch. Soc.*, i. 65 ("paid to Cleaton, the Chauncelor's man for keeping us from Lichfield"). Great Witchingham Acc'ts, *Norfolk and Norwich Arch. Soc.*, xiii, 207 ("Simp the sumner for his fees for excusing us from Norwich"). *St. Mary Woolchurch Haw*, London, Acc'ts, s. a. 1594

whom the chief were the apparitors, or summoners, and their underlings. There is a very interesting contemporary ballad entitled "*A new Ballad of the Parrator and the Divell*," attributed by its modern editor to not later than 1616, which throws much light on the proceedings of certain unscrupulous apparitors, and reflects also the strong dislike entertained for the whole tribe of apparitors by people of the time.<sup>184</sup> The devil going a hunting one Sunday and beating the bushes, up starts a proud apparitor. During several stanzas the apparitor narrates to the devil, as one consummately wicked man to another, all the tricks of his trade to drum up cases for himself and his court. He spies on lovers as they pass unsuspecting; he haunts the ale-houses and overhears men's tales over their cups; if business be dull he even devises scandal among neighbors, and sets them at enmity. Thus he concocts his accusations of immorality, or drunkenness, or profanity, or uncharity towards neighbors, and writes them busily down in his *quorum nomina*, or formulas of citations to appear before the official's court. "My *corum nomine* beares such swaye," he boasts, "They'le sell their clothes my fees to pay." But, remarks the devil after listening to all this, surely the innocent pay no court fees, "But answeare and discharged bee." "My *corum nomine* sayth not so," rejoins the apparitor, "For all pay fees before they goe.—The lawier's fees must needs be payd,—And every clarke

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("more unto the paratour and Doctor Stanhopes man for their favours"). Hale, *Crim. Prec.*, 202 ("*Fassus est* that he gave xs. to . . . the apparitor to thend that he might not be called into this corte." 1590). For examples of fees paid for absolution from an unjust excommunication see *Minchinhampton Acc'ts*, s. a. 1606 ("layd out [at] Gloucester when we wer excommunicated for our not appearinge when wee were not warned to appeere, vj s. viij d"). St. Clement's, Ipswich, *Acc'ts*, *East Anglian*, iii (1890), 304 ("Payed for ovr Absolution to the Commissary, being reprimanded for that we did not give in our Verdict, where as we nether had warning nor notice given us of his Corte houlden, ij[s.] x[d.]:" and: "Payed more ffor the discharg of his boocke, viij d." 1610). Churchwardens accounts are pretty reliable evidence, for they were subject to the scrutiny of those who had to foot the bills.

<sup>184</sup> See Mr. Andrew Clark's *Shirburn Ballads* (Oxon. 1907), 306 ff. Mr. Clark's notes and illustrations drawn from other contemporary sources are most valuable.

in his degree—Or els the lawe cannot be stayd—But excommunicate must they bee.” The devil, amazed and disgusted at laws which “excell the paines of hell,” turns to go, whereupon the apparitor seeks to arrest and fine him for traveling on the Sabbath. Exclaiming “Thou art no constable!” the devil pounces upon the unworthy officer and carries him off to hell.<sup>185</sup> Thirdly, even when at their best and conducted by upright judges and officers, the modes of proof in force in the courts Christian were sometimes utterly inadequate as means for getting at the truth. The inquest, or trial by jury, had never been introduced into these courts, where the archaic system of compurgation<sup>186</sup> still lingered.

<sup>185</sup> A number of broadsides and pamphlets were published in 1641 upon the abolition of the spiritual courts. Consult Mr. Stephen's *Catalogue* (1870) for those in the British Museum. One of them is entitled *The Proctor and Parator their Mourning . . . Beinge a true Dialogue, Relating the fearfull abuses and exorbitances of those spirituall Courts, under the names of Sponge the Proctor and Hunter the Parator*. In the spirited dialogue between the two *Hunter* tells of his ways of extorting money from recusants, seminary priests and neophytes, “whose starting holes I knew as well as themselves”; also, he adds, “I got no small trading by the Brownists, Anabaptists and Familists who love a Barne better than a Church.” “Poor Curates, Lecturers and Schoolmasters . . . that have been willing to officiate their places without licences” are also his special prey. As for minor offenders “against our terrible Canons and Jurisdiction . . . had I but given them a severe looke, I could . . . have made them draw their purses . . .” “I tell you,” he concludes, “the name of Doctors Commons was as terrible to these as Argier [Algiers] is to Gally-slaves.” *Sponge* admits that he has made many a fat fee by *Hunter's* procurement. For more serious documents in corroboration see Whitgift's circular to his suffragans in May, 1601, and also his address to his bishops a few months later in Strype, *Whitgift*, ii, 447 ff. Among many other and grave abuses he refers to “the infinite number” of apparitors and “petty Sumners” hanging upon every court, “two or three of them at once most commonly seizing upon the subject for every trifling offence to make work to their courts.” Cf. Canons of 1597, can. xi (Multitude of apparitors and their excesses) in Cardwell, *Syn.*, i, 159. Also Canons of 1604, *ibid.* Most of the Elizabethan and Stuart metropolitan and diocesan injunctions call for the presentment of the abuse of apparitors and other court officials. See Cardwell, *Doc. Ann.*, ii, *passim*. Also *Appendix to 2nd Rep. of the Com. on Ritual to Parliament* (1870), where a large number of injunctions from Parker to Juxon (1640) are gathered together.

<sup>186</sup> By this system, if the accused could get together a certain number of his neighbors (3, 4, 6 or more) to act as oath-helpers, *i. e.*, who would swear that they believed him on oath, he was ac-

If a man for want of friends, or for want of good reputation, were unable to procure compurgators to attend him at visitations or courts, held sometimes twenty miles and more away,<sup>187</sup> he might be condemned as guilty of specific acts which he had never committed.<sup>188</sup> He might even fail in his proof because he was poor. When the judge arraigned Lewis Billings of Barking, Essex archdeaconry, for "that he hath failed in his purgacion," Billings pleaded "that he is a very poore man and not able to procure his neighbours to come to the cort, and beare their charges."<sup>189</sup> But, as is well known, contemporaries attacked not only the inferior officers, but the judges themselves. Complaints of great abuses were loud and long,<sup>190</sup> and when the ecclesias-

quitted. It seems to have been no concern of the judge to weigh the evidence on the facts themselves.

<sup>187</sup> The churchwardens accounts are full of items for horse hire and other expenses for long journeys, for ecclesiastical courts were held at all kinds of places at the pleasure of the judges. See Mr. Bruce's remarks on the Minchinhampton Acc'ts, *Archæologia*, xxxv, 419 ff. Cf. the Ludlow Acc'ts, *Shrop. Arch. Soc. 2nd. ser.*, i, 235 ff.—in fact any of the accounts of the period that have been printed in detail.

<sup>188</sup> Archdeacon Hale in *Crim. Prec.*, introd., p. lx.

<sup>189</sup> Hale, *Crim. Prec.*, 205 (1591). In Warrington deanery, at the bishop's visitation in 1592, one Grimsford is cited for not living with his wife. On a later occasion he appeared and affirmed that his wife had run away with another man, "whereupon the Judge, having regard to the poverty of the man," absolved him. *Warrington Deanery Visit.*, 190. An ecclesiastical judge in Durham city made this decree in 1580: "*Dominus . . . decrevit scribendum fore Aldermanno . . . to whip and cart the said Rowle and Tuggell in all open places within the city of Durham, for that they faled in their purgacion, and therefore convicted of the crime detected.*" *Barnes' Eccles. Proc.*, 126.

<sup>190</sup> A most important piece of evidence—because coming from such a source—is Whitgift's circular and (later) his address to his bishops, already alluded to (note 185) given in Strype's life of him. Whitgift mentions the frequent keeping of officials' or commissaries' courts and the multitude of apparitors serving under them, so that "the subject was almost vexed weekly with attendance on their several courts." He adds that "what with Churchwardens' continual attendance in these courts, which in many places came to more than was by a whole parish for any one cessment made to her Majesty, the poor men who were chosen Churchwardens . . . were in their estates hindered greatly in leaving their day labor for attendance there." These and like complaints, the metropolitan continued, were daily brought to him "with a general exclamation against Commissaries' and Officials' courts." In prophetic language he warned his suffragans that if they were not

tical courts were abolished by the Long Parliament in 1641,<sup>191</sup> the satirical literature of the day celebrated their downfall with a verve, a gusto, and an exultation amazing to one not familiar with the procedure of these courts.<sup>192</sup>

As was mentioned at the beginning of this chapter, the secular judges were given statutory authority to take cognizance of breaches of the order prescribed by the Book of Common Prayer, of the offence of not attending church, and other delinquencies against the legal settlement of religion. Hence in these matters they exercised what might be called a sort of ecclesiastical jurisdiction in aid of the ordinary and concurrently with him, though their mode of procedure, of course, was that of the common law, possessing nothing in common with the practice adopted in courts Christian. Men who were "hinderers" and "contemners" of religion; who refrained from going to church without lawful cause;

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more zealous for reform all their courts might be swept away. We have further the unceasing complaints and the numberless petitions that were presented in every Elizabethan parliament from 1572 onwards. Some of these are given in Strype, *Annals*, etc., some in his *Whitgift*. Mr. Prothero has conveniently gathered some, with references to others, in his *Statutes and Constitutional Documents* (1st ed.), pp. 209, 210, 215 and 221. See also Heywood Townshend, 110, *et passim*; D'Ewes, 302, *et passim*, and the canons and injunctions of the time. Peculiars were doubtless most subject to abuses, as being often exempt from the oversight and corrective discipline of the diocesan. Offenders sometimes fled to these for protection. See Strype, *Ann.*, iii, Pt. ii, 211-12 (Bishop of Coventry and Lichfield complaining in 1582 of peculiars, some of which belonged to laymen, as holders of abbey lands, in the matter of recusants). Cf. Blomefield, *Hist. of Norfolk*, iii, 557. *Camden Miscellany*, ix (1895), 41 (Letters from bishops to Privy Council in 1564. Recusants flying to exempt places). On the scandalous neglect of duty of some holders of peculiars see *Dean of York's Visit.*, 199, 201 ff., 324, *et passim*. See also Mr. W. E. B. Whittaker's article "On Peculiars with special reference to the Peculiar of Hawarden," in *Archit. Arch. and Hist. Soc. for Chester and N. Wales*, n. s. xi (1905), 66 ff. and records there given. See also *Eccles. Courts Com. Rep.*, 1830-2, printed as appendix to Vol. i of *Eccles. Courts Com. Rep.* of 1883, p. 198. Lists of peculiars will be found in the above authorities.

<sup>191</sup> Though they were reëstablished in 1660 they were forever shorn of their ancient glory.

<sup>192</sup> The names of some of these broadsides, pamphlets, etc., have already been given. To these may be added, *The Spiritual Courts epitomized in a Dialogue betwixt two Proctors, Busie Body and Scrape-all, and their discourse of the want of their former employment*. Others will be found in Mr. Stephen's *Catalogue*.

who had mass-books or super-altars<sup>193</sup> in their possession;<sup>194</sup> who spoke in contempt of the Book of Common Prayer and its rites;<sup>195</sup> who caused their children to be baptized with forms other than those prescribed;<sup>196</sup> ministers who omitted the cross in baptism;<sup>197</sup> who left off the surplice;<sup>198</sup> who refused to church women;<sup>199</sup> who called purification "a Jewish ceremony," or who in their sermons preached seditious doctrine<sup>200</sup>—all these and other like offenders were indicted at quarter sessions or at the assizes.

<sup>193</sup> That is, a portable stone altar which had been consecrated and could be set up anywhere for mass.

<sup>194</sup> See order of the Wilts justices issued against such offenders, Oct., 1577. *Hist. MSS. Com. Rep. on MSS. in Var. Coll.*, i (1901), 68.

<sup>195</sup> See indictment of an Essex jury at quarter sessions in 1585 against one Glasscock who spoke lightly of the ceremony of baptism, and rent out of a prayer book certain leaves where the ministration of baptism was set forth. *Hist. MSS. Com. Rep.*, x, Pt. iv, 480.

<sup>196</sup> Presentment to the Wilts justices, *loc. cit. supra*, 69 (1588). For excessive zeal of the justices of assize in Suffolk see *State Papers Dom. Eliz.*, 1591-4, p. 275 (Address of Suffolk gentry to Privy Council in 1592. They complain of indictments against ministers on very trivial pretexts). For the answer of the Council to this petition see Strype, *Ann.*, ii, Pt. i, 268-9 (Lords write to judges to consult the spirit not the letter of law, and add their own suspicions that informers are mainly to be blamed if justice has miscarried).

<sup>197</sup> *State Pap.*, *loc. cit.*

<sup>198</sup> Indictment of Essex jury, *Hist. MSS. Rep.*, *loc. cit. supra*.

<sup>199</sup> *Ibid.*

<sup>200</sup> Information of the Wilts justices against one Dearling, parson of Upton Lowell, *loc. cit. supra*, 68 (1585). Cf. Chelmsford Acc'ts, *Essex Arch. Soc.*, ii, 212 (An item paid the clerk of assizes for framing the indictment of Chelmsford Hundred "against Puritisme." 1592).

## CHAPTER II.

### PARISH FINANCE.

Speaking generally of the average parish, Elizabethan churchwardens accounts and vestry minutes show that for the purposes of raising money amongst themselves to meet every-day parish expenditures,<sup>1</sup> the parishioners of the period did not commonly resort to rates, if by "rate" be understood a general assessment of all lands or all goods alike at a fixed percentage of their revenue or value above a minimum exempted.

It must not be supposed, however, that in the case of offerings or gatherings, or of levies to raise a certain sum where each man assessed himself, it was entirely optional for each to give or to refuse. What a man customarily gave, or what he had promised to give, or, again, what the parish thought he ought to give, that the ordinary might compel him to give.<sup>2</sup> From an offering or a voluntary assessment to a rate is often but a short step, and the two former shade off into the latter almost imperceptibly. The justices of the peace and the ecclesiastical authorities usually cast lump sums upon the parishes, leaving ways and means to the parishioners themselves. But it was, of course, optional with the justices to rate each individual separately when it seemed good to them, and for this they had the Queen's subsidy books to guide them. Here, however, we

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<sup>1</sup> These would be—to cite the principal—the ordinary upkeep of the church with its services and all its appurtenances whatsoever (see previous chapter); the finding of clerk and sexton; the care of the poor; maintaining of the local roads and bridges; purchasing and repair of parish armor, and mustering of parish contingents; contributions for prisoners and maimed soldiers; the keeping of the parish butts and the stocks; the destruction of frugivorous birds and animals (the statutory "vermin"), etc.

<sup>2</sup> The act-books are full of "detections" for being an "uncharitable person," for "not giving to the poor," etc. See pp. 41 ff., *supra*.

are chiefly concerned with the raising of money amongst the parishioners themselves. How manifold, how ingenious were the parochial devices for creating resources, it is the purpose of this chapter to set forth.

But before proceeding to the parish expedients, properly so called, for raising money, it will be well to say something of parish endowments, whether in lands, houses or funds. According as the revenue from these was available for general, or at least for various purposes, or, on the other hand, was impressed with a trust for some specific object, these endowments may be divided into general and special. Parishes well endowed might be able to dispense with some of the devices for money-getting which we shall have occasion to enumerate, but then, after all, endowments might come and they might go;<sup>3</sup> moreover, the financial

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<sup>3</sup> Reference is here made to the occasional seizure of parish lands or funds by the Queen's commissioners for concealed lands. See Strype's strong language in his *Ann. of the Ref.* (Oxon. ed.), ii, Pt. i, 310. He speaks of the unjust oppressions of courtiers and other griping men, 'harpies' and 'hell-hounds,' who, under the pretense of commissions, "did intermeddle and challenge land of long times possessed by churchwardens, and such like, upon the charitable gifts of predecessors . . . yea and certain stocks of money, plate, cattle and the like. They made pretence to bells, lead [etc.] . . ." Strype's words are none too strong, being amply confirmed by much evidence *aliunde*. See, e. g., the determined attacks in 1567 and subsequently on the Melton Mowbray school lands in *Leicest. Archit.* (etc.) *Soc.*, iii (1874), 406 ff. Thanks to powerful neighbors the Meltonians won their case. Less fortunate were the parishioners of St. Mary's, Shrewsbury, the revenue from whose lands supported church fabric, the poor, etc. For proceedings against them, and the vain appeal by the parish to the lord chief justice in 1572 ff., see Owen and Blakeway's *Hist. of Shrewsbury*, ii, 350-2. For confiscation of parish gild property and parish lands on a large scale, see examples given in *Cambridge and Hunts Arch. Soc.*, i (1904), 330 ff. We are here told that during Elizabeth's reign at least twelve commissions for concealed lands were sent down into Cambridgeshire (p. 332). See also *ibid.*, 370 ff. for a sale of forfeited lands to Jones and Grey in 1569. The list of lands is very long and only a sample of many such. For attacks (1587) on All Saints, Derby, lands, whose revenues went to church repairs, etc., see J. C. Cox and W. H. St. J. Hope, *Chronicles of All Saints, Derby* (1881). For informers involving Lapworth, Warwick, in a suit about its parish lands see Robt. Hudson, *Memorials of a Warwickshire Parish* (1904), 104. The churchwardens acc'ts occasionally allude to the Queen's commissioners, e. g., the Great Wingham Acc'ts, where they are dubbed by the right name: "for my expenses when I was before the quenes inquisitors for lands and goods" (1559). *Norf. and Norw. Arch. Soc.*, xiii, 207.

policy of any one parish would, of course, differ according to the disposition or the ability of those who shaped it.

Of Loddon, Norfolk, we are told that "no complaint appears about Church Rates, for there were none, as the revenue of the Town Farm . . . rendered a tax of that description unnecessary."<sup>4</sup>

Of St. Petrock's, Exeter, we are informed that "the parish became so well endowed by donations of land and houses as to enable the wardens to dispense almost entirely with the quarterly collections entered in the earlier accounts."<sup>5</sup> The editor of the Thatcham, Berks, Accounts, writes: "In the early years of these churchwardens accounts the available funds were derived chiefly from the two oldest charities, one called 'Lowndye's Almshouses,' the first account of which is for the year . . . 1561 . . . to 1562; the other known as 'the Church Estate,' the first account of which begins in 1566."<sup>6</sup> Summoned by the Bodmin, Cornwall, justices in January, 159<sup>4</sup>/<sub>5</sub>, to make a report as to the parish stock, the representatives of Stratton certify at sessions that their stock "am[oun]ts to the now some of Sixteene poundes, some yeares it is more & some yeares lesse. . . ." And, they continue, "the vsinge of our sayde stocke is by the two wardens & the rest of the eight men w[hi]ch for the same stande sworne, And it is bestowed aboute her ma[jes]ties service, for buyenge of armor, settinge forth of souldiers w[i]th powder & shott. . . . And likewise for the relievinge & mainetayning of the poore. . . ." They thereupon give the names of the impotent and decrepit persons and orphan children "wholly relieved" by the parish, ten in number, and add that there are upwards of a hundred poor "w[h]ich are not able to liue of them-

<sup>4</sup> Jas. Copeman in *Norf. and Norw. Arch. Soc.*, ii (1849), 64. The Loddon Acc'ts cover the period 1554-1847, some of the donations, or endowments, being made in the 16th and some in the 17th centuries.

<sup>5</sup> Robt. Dymond in *Devon Assoc. for Advanc. of Science* (etc.) *Tr.*, xiv (1882), 407. These acc'ts run from 1425-1590. For a list of parish properties in 1565, see pp. 460-1. Their yearly rent then amounted to £9 14s. 2d.

<sup>6</sup> Sam'l Barfield, *Thatcham, Berks, and its Manors* (1901), i. 121.

selues, but haue reliefe dayly one thinge or another of the seide p[ar]ish.”<sup>7</sup> The little parish of St. Michael’s in Bedwardine, Worcestershire,<sup>8</sup> possessed lands and tenements in various parishes, and in 1599 invested £10 in buying two more tenements in Worcester city.<sup>9</sup> Its wardens accounts, we are told by their editor, disclose that there was never any lack of money for parish purposes “in spite of a rather lavish expenditure at times in the luxury of law[suits].”<sup>10</sup> Lapworth, Warwickshire, had many acres of parish land.<sup>11</sup> The churchwardens of St. John’s, Glastonbury, Somerset, return in their accounts the rent of the parish lands in 1588 at £9 13 s. 10 d.,<sup>12</sup> and, as these accounts show, they occasionally received important sums for fines on changes of tenants. The various properties managed by the wardens of St. Michael’s, Bath, numbered thirty-seven in 1527, yielding a revenue of £11 8s.;<sup>13</sup> and even in 1572 the rent amounted to £11 8s.<sup>14</sup>

Indeed, though parish lands and houses were generally vested as to title in trustees (often a numerous and cumber-

<sup>7</sup> R. W. Goulding, *Records of the Charity known as Blanchminster’s Charity, Stratton* (1898), 64-5.

<sup>8</sup> In 1562 it is said to have contained only 48 families. John Amphlett, *Churchwardens Acc’ts of St. Michael’s in Bedwardine* (ed. for *Worcester Hist. Soc.*, 1898), introd., p. iii.

<sup>9</sup> *Op. cit.*, 142-3. See *ibid.*, and for the year named, the receipts from these properties. Thus £4 is paid for one and a half years’ rental of parish land lying in Severn Stoke parish; 44s. for two years’ rent of parish houses in St. Peter’s parish, Worcester city, etc.

<sup>10</sup> *Op. cit.*, pp. xxx-i.

<sup>11</sup> Hudson, *Memorials*, etc., 85 ff. Consult Mr. Hudson’s map of the parish lands.

<sup>12</sup> *Notes and Queries for Somer. and Dorset*, v (1897), 94.

<sup>13</sup> *Somerset Arch. and Nat. Hist. Soc. Tr.*, xxiii, Mr. Pearson’s introd., p. iii, and *op. cit.*, vol. xxvi, 106-9. Cf. A. G. Legge, *North Elmham, Norfolk, Acc’ts* (1891), 5-6 (Long list of lands managed by wardens in 1549). Also J. H. Butcher, *The Parish of Ashburton* (Devon), 49 (1580). Owen and Blakeway, *Hist. of Shrewsbury*, ii, 342 (St. Mary’s parish lands with 32 tenants and rental of £6. 7s. 8d. in 1544. The churchwardens were here called “Lady Wardens” as managing the “Rentall of our Lady”).

<sup>14</sup> *St. Michael’s Acc’ts*, *op. cit.*, vol. xxvi, 129. The wardens of this parish record among their expenditures many items for the repair of the parish tenements and other property. In early times they received 12d. as a salary for management. Later this was changed into an honorarium of varying amount “*pro bono servicio suo.*” *Op. cit.*, vol. xxiii, intro., p. ii.

some body),<sup>15</sup> the churchwardens themselves and sometimes other accountants,<sup>16</sup> who like the wardens were appointed from year to year, usually exercised the actual management. The feoffees existed chiefly for the purpose of making it difficult to alienate the parish properties, "and the larger the trust body the more difficult such alienation was supposed to be."<sup>17</sup>

Contenting ourselves with the above examples, which could easily be multiplied, we pass on under this same head of general endowments to an interesting form of personal property, viz., cattle, for not only did the wardens derive receipts from parish holdings of real estate, but also from *Endowments of Cows or Sheep*. The Pittington, Durham, Twelve Men, a sort of parish executive and administrative body, enact in 1584 "that everie iiij pounce rent<sup>18</sup> within this parrishe, as well of hamlets as townshippes, shall gras<sup>19</sup> winter and somer one shepe for the behoufe of this church;"<sup>20</sup> and we are told that these "Church Shepe," as they were called, were here one of the chief means of raising funds for parochial purposes.<sup>21</sup> It was the custom of pious donors, especially among the lowly, to leave one or more sheep or cows to their parish. In the year 1559 twelve sheep were thus given or bequeathed to Wootton Church, Hants, by ten donors.<sup>22</sup> These sheep, as well as the parish

<sup>15</sup> Thus at Lapworth, Warwickshire, a trust of parish lands was re-created in 1563 with twenty-two feoffees; and one Collet in 1567 enfeoffed seventeen men of a field of only three acres, fourteen perches, to parish uses. Hudson, *Memorials* (etc.), 85-6.

<sup>16</sup> E. g., the Grasswardens of St. Giles, Durham, who managed the common lands of the parish, and accounted yearly for them. They made disbursements for many parish expenses which elsewhere churchwardens usually paid out (e. g., for bridges, houses of correction, poor prisoners, armor and musters), yet were themselves distinct from the churchwardens. See *Surtees Soc.*, xcv, 1 ff. Cf. the bridge wardens of Loughborough, Leicester (W. G. D. Fletcher, *Hist. of L.*, 1883, pp. 40 ff). Also the townwardens of Melton Mowbray, *Leicester Archit. (etc.) Soc.*, iii, 61-2, note.

<sup>17</sup> Hudson, *Memorials*, etc., 88.

<sup>18</sup> That is (apparently) holdings returning £4 of rent annually.

<sup>19</sup> Pasture.

<sup>20</sup> *Surtees Soc.*, lxxxiv, 15.

<sup>21</sup> Editor's (Mr. Barmby's) introd., *ibid.*, 4.

<sup>22</sup> (Dean) G. W. Kitchen, *The Manor of Manydown, Hants Rec. Soc.*, 1895, 171. For other examples both of parish cows and sheep

cows, were often hired out to parishioners, who gave security for their return. Sometimes they were given to poor men at a reduced rent, and thus they served to support the poor.<sup>23</sup>

That the keeping of cattle was a well-recognized source of parish income is seen by the Queen's Injunctions of 1559 in which she alludes to "the profit of cattle" among other sources of parish revenue to be devoted to the poor, "and if they be provided for, then to the reparation of highways next adjoining," or to the repair of the church.<sup>24</sup>

Leaving the topic of general endowments to take up those sources of revenue destined to defray particular forms of expenditure, we find that *Permanent Parish Endowments* in lands, goods or money devoted to the defraying of *Specific Parish Administrative Burdens or Utilities* were very numerous in the local documents of the 16th century. Sometimes a land or fund was set apart by the donor, or by the parish itself, for the support of a parish servant or officer;<sup>25</sup>

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see Hale, *Crim. Prec.*, 221 (40 parish sheep of Billericay, Essex, for the relief of the poor. 1599). Littleton, Worcestersh. Acc'ts, *Midland Antiquary*, i (1883), 107 (Purchase of cow for parish in 1556). *Ibid.*, 108 (Wintering of a church heifer). Morton, Derbysh., Acc'ts, *The Reliquary*, xxv, 17 (Same as above. 1593). Owen & Blakeway, *Hist. of Shrewsbury*, ii, 342 (St. Mary's had in 1544 ten cows and three sheep renting for £1 1s. 8d. yearly). Rotherfield Acc'ts, *Sussex Arch. Coll.*, xli, 26, 46. St. Michael's, Bath, Acc'ts, *Somerset Arch.* (etc.) *Soc.*, xxiii, introd., *et passim*. Great Witchingham, *Norf. and Norw. Arch. Soc.*, xiii, 207 (Cows in 1604). Hartland, Devon, Acc'ts, *Hist. MSS. Com. Rep.*, v, Pt. i (1876), 573 a (Custom *circa* 1601 for poor to leave sheep to church by will). Hudson, *Memorials*, etc., 106-10 (Parish meeting about renting out of cows. Surety bonds given by hirers in 1580 ff.). Many other examples will be found in the wardens acc'ts and elsewhere.

<sup>23</sup> See Hudson, *op. cit.*, *supra*, 106. In 1595 two cows were bequeathed to Lapworth to be rented out at 20 d. yearly. The proceeds of one to mend a certain parish road, of the other to support the poor (*ibid.*, 109).

<sup>24</sup> Art. xxv, Cardwell, *Doc. Ann.*, i, 189 ff. So in the Visitation Articles of the same year (*ibid.*, 213) we read: "Item, whether the money coming and rising of any cattle or other movable stocks of the church [etc.] . . . have not been employed to the poor men's chest."

<sup>25</sup> In North Elmham the term "office land" seems to have been used for lands set apart for the remuneration of parish servants. See A. G. Legge, *North Elmham Acc'ts*, 81, s. a. 1566: "It[e]m for office Land of the ten[emen]te fost[er] . . . vij d." Cf. Mr. Legge's

sometimes its revenue maintained this or that cripple or blind man,<sup>26</sup> or a number of them; sometimes it was used for feeding the poor,<sup>27</sup> or for buying wearing apparel for them;<sup>28</sup> for setting them at work in houses of correction,<sup>29</sup> or for parish education.<sup>30</sup>

In particular, lands or funds were frequently set apart as special and permanent endowments for the repair of bridges.<sup>31</sup> In fact, the proceeds of parish lands or other endowments might be appropriated to alleviate any tax burden whatsoever. In 1549 it was stated by the wardens of North Elmham, Norfolk, that the net proceeds of the five and thirty or forty acres which they rented out were

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*note* (p. 129). He cites other examples in Norfolk parishes, viz., "Constable Acre" in Stuston, "Constable Pasture" in Fralingham, "Dog Whipper's Land" in Barton Turf. Cf. J. L. Glasscock, *Records of Bishop Stortford*, 55 ("sexten's meade," 1563). In an early year *temp.* Henry VIII one Jesop left two tenements to Mendlesham, Suffolk, "to y<sup>e</sup> fyndyng of a clarke to pley att ye organys for a p[er]petuite." *Hist. MSS. Com. Rep.*, v, Pt. i (1876), 596 a. See also *Shrop. Arch. and Nat. Hist. Soc.*, iii, 3rd ser. (1903), 315 (26s. and 8d. and 12 bushels of rye issuing annually out of Idsal rectory for the poor and the maintenance of a clerk). E. Freshfield, *St. Christopher-le-Stocks' Acc'ts*, 38 (Bequest of a perpetuity of 20s. annually for clerk and sexton. 1602).

<sup>26</sup> Swyre, Dorset, Parish Acc't Book in *Notes and Quer. for Somer. and Dorset*, iii (1893), 293 (Lands allotted by parish for support of a blind man).

<sup>27</sup> E. g., *St. Christopher-le-Stocks' Acc'ts*, 38 (Yearly perpetuity of £3 4s. in bread and money to poor. 1602). *St. Michael's in Bedwardine Acc'ts*, 99 (House left to parish, 12s. of whose rental to go to poor, and 1s. to the churchwardens. 1590).

<sup>28</sup> Butcher, *Parish of Ashburton*, 46 (Land given to buy shirts and smocks for the poor. 1575).

<sup>29</sup> T. P. Wadley, *Notes on Bristol Wills* (1886), 230 (£20 for a stock of money to remain for ever "in the howse of correction" for the maintenance and "settinge on work of such people as shalbe therevnto co[m]mitted for their mysdemeanors." *Thos. Kelke's will*. 1583).

<sup>30</sup> *Wills and Inventories*, Pt. ii, *Surtees Soc.*, xxxviii, 83 (Keyper school of Houghton and its endowment of £240. 1582).

<sup>31</sup> Examples among many are the Edenbridge, Kent, lands. These bridgewardens held lands in three parishes. *Arch. Cant.*, xxi (1895), 110 ff. Also Burton's Charity lands at Loughborough. The "bridgmasteres" here in 1570 collected £33 18s. 6d., and disbursed £16 12s. 11d. Fletcher, *Hist. of Loughborough*, 41-2. Also Hayward bridge lands, *Notes and Quer. for Somer. and Dorset*, iv (1895), 205-7.

devoted exclusively towards the paying of the fifteenths due from time to time to the king and his successors.<sup>32</sup>

To illustrate the variety of purposes for which parish trusts were created, I cannot do better than quote part of the preamble of the 43 Eliz. c. 4, known as the Statute of Charitable Uses: "Whereas Landes, Tenements, Rentes . . . Money and Stockes of Money," it is there rehearsed, "have bene heretofore given, limitted . . . and assigned . . . some for Releife of aged, impotent and poore people, some for Maintenaunce of sicke and maymed Souldiers and Marriners, Schooles of Learninge . . . some for Repaire of Bridges, Portes, Havens, Causwaies, Churches, Seabankes and Highewaies, some for Educac[i]on and p[re]ferment of Orphans, some for or towards Reliefe, Stocke or Maintenaunce for Howses of Correcc[i]on, some for Mariages of poore Maides, some for Supportac[i]on, Ayde and Helpe of younge Tradesmen, Handicraftesmen and p[er]sons decayed, and others . . . for aide or ease of any poore Inhabitants conc[er]ninge paymente of Fifteenes, settinge out of Souldiers and other Taxes [etc.] . . . ."<sup>33</sup>

As for money and goods left by testators or given *inter vivos* for *Temporary Expenses* or *Special Occasions* (as opposed to the creation of permanent trusts and endowments), we find a constant stream of such benefactions throughout the Elizabethan period.

By the Queen's Injunctions of 1559 parsons are diligently to exhort their parishioners, "and especially when men make their testaments," to give to the poor-box, the surplus of which, after provision for the needy, might be devoted to church and highway repair.<sup>34</sup>

Bequests made to the highways or bridges were considered as donated *in pios usus*. "I thinke," wrote a prebendary of Durham Cathedral in 1599, "it also a deade of chari-

<sup>32</sup> Legge, *North Elmham Acc'ts*, 87-90. So too at Eltham, Kent, where the "Fifetene peny Lands" have special wardens who account for their revenue. *Archæologia*, xxxiv, 51 ff.

<sup>33</sup> *Statutes of the Realm*, iv, Pt. ii, 968-9.

<sup>34</sup> Cardwell, *Doc. Ann.*, i, 189 ff.

tie and a comendable worke before God to repaire the highwayes, that the people may travaille saifely without daunger. I therefore will to the mending of the highwayes [etc.]

. . . . .”<sup>35</sup>

Noblemen and wealthy men were expected to help maintain the local poor in particular. Elizabethan ballads celebrate the liberality to the destitute of an Earl of Huntingdon,<sup>36</sup> of an Earl of Southampton,<sup>37</sup> or of an Earl of Bedford.<sup>38</sup> At the funeral of George, Earl of Shrewsbury, in 1591, eight thousand got the dole served to them, and it was thought that at least twice that number were in waiting, but could not approach because of the tumult.<sup>39</sup> The churchwardens and overseers of the poor accounts, especially in London and the larger cities, abound with receipt items of gifts from great personages or wealthy merchants.<sup>40</sup>

<sup>35</sup> Dr. Pilkington's will, *Surtees Soc.*, xxii, Append., p. cxxxviii. For a few other examples of bequests for parish utilities see *ibid.*, p. ciii (George Reyd's will, 1559). *Ibid.*, p. cx ff. (William Birche's will of 1575 in which are many bequests to poor artificers, to prisoners—a very frequent bequest—to “needfull briggs or highe waies,” etc.). See also *Benefactions to Dorset Parishes, Churches, etc.*, in *Notes and Quer. for Somer. and Dorset*, x, 164 ff. Also T. P. Wadley, *Notes on Bristol Wills, passim* (e. g., Thos. Kelke's will of 1583, on p. 230. He leaves £13 to Newgate prisoners, a frieze gown to 12 women and 12 men—a frequent bequest—6s. 8d. each to 52 poor maidens for their marriage, etc.). Also *Wills and Inventories, Surtees Soc.*, xxxviii, Pt. ii, *passim*. Surrey Wills in *Surrey Arch. Coll.*, x (1891), *passim*.

<sup>36</sup> *The crie of the poore for the death of the right Honourable Earle of Huntington* (printed 1596), Joseph Lilly, *A Collection of Seventy-Nine Black-Letter Ballads and Broadsides, 1559-1597* (1870), 230.

<sup>37</sup> *Ibid.*, 263.

<sup>38</sup> *The poore people's complaynt, Bewayling the death of their famous benefactor, the worthy Earle of Bedford* (Died 1585). Bedford was described as “a person of such great hospitality that Queen Elizabeth was wont to say of him that he made all the beggars.” Clark, *Shirburn Ballads*, 256.

<sup>39</sup> J. C. Cox, *Three Centuries of Derbyshire Annals*, i, 136.

<sup>40</sup> E. Freshfield, *St. Bartholomew, Exchange, Acc'ts, s. a. 1598, et passim*. Freshfield, *St. Margaret, Lothbury, Vestry Book*, 32 (1595). *St. Margaret's, Westminster, Overseers' Acc'ts* in *The Westminster Tobacco Box*, Pt. ii (1887), e. g., s. a. 1572-3, where we find donations from Lord Burghley, the Lord Chief Justice, the Dean of Westminster, the Earl of Derby, the Earl of Hertford, etc.

Owing to the difficulty of investing money because present-day intermediaries were absent between capital seeking employment and would-be borrowers; and because the medieval stigma attaching to money loaned at interest had by no means wholly disappeared,<sup>41</sup> there grew up in Elizabethan parishes a system of laying out money, raised by the parish or donated by benefactors, in various trades, such as wool-spinning, linen-weaving, the buying of wood or coal to sell again at a profit,<sup>42</sup> etc. Sometimes well-to-do parishioners with good credit would themselves borrow parish money, returning ten per cent. for its use.<sup>43</sup> Usu-

<sup>41</sup> Though by 37 Hen. VIII c. 9, sec. 3 (*Stats. of Realm*, iii, 996) interest up to 10 per cent. per annum was permitted, all interest was prohibited by the 5 & 6 Ed. VI, c. 20, sec. 2 (*Stats. of Realm*, iv, Pt. i, 155). Interest is here dubbed usury, "a vice most odyous and detestable." Interest up to 10 per cent. was, however, again made lawful by the 13 Eliz. c. 8, sec. 4 (*Stats. of Realm*, iv, Pt. i, 542) which, however, stigmatizes usury as sinful.

<sup>42</sup> Examples are, *Vestry Minutes of St. Margaret, Lothbury*, 32 (Gift of £20 in 1595 to be employed in wood and coal for the use of the poor. A committee of four was appointed to invest and make sales. See their account for 1596, p. 34). *The Westminster Tobacco Box*, Pt. ii, 22 (One of the overseers of St. Margaret's to keep a gift of £42 "untill the same may be bestowed upon somme good bargaine as a lease or somme other such like commoditie w[hi]ch may yeelde a yerely rente to the pore." 1578). Cf. *St. Bartholomew, Exchange, Acc'ts Books*, 3 ff., where in 1598, and regularly in subsequent years, appears the item: "Alowed to this account for the geft of the Lady Wilfordes xx li for the pore xx[s]." Also another item, likewise of 20s. yearly, on Mr. Nutmaker's £20—in other words, 10 per cent. in each case every year. Cf. Jas. Stockdale, *Annals of Cartmel* (Lancashire. pub. 1872), 37-8 (£65 6s., money belonging to Cartmel grammar school "placed" in the hands of various persons, some of whom give pledges, others mortgages, for repayment. The revenue from this is £6 10s. 7d., *i. e.*, 10 per cent. in 1598). In 1613, in allowing the overseer's accounts of Swyre, Dorset, the local justices indorse: "Upon this condition that from henceforth the overseers and Churchwardens do yearlie charge themselves with the some of xxs. for thuse of a stocke of xli [*i. e.*, 10 per cent.] giuen to the poore by the testam[en]t of James Rawlinge." The practice above illustrated is simply that enjoined by 18 Eliz. c. 3, amended and completed by 39 Eliz. c. 3 and 43 Eliz. c. 2, with an object of making the poor administration self-supporting as far as might be. The fact that Elizabethan poor laws were based on the best-approved parish customs made them perdurable. For a model administration of parish stock according to the poor laws see the Cowden Overseers Acc'ts, *Sussex Arch. Coll.*, xx, 95 ff. (1599 ff.).

<sup>43</sup> *E. g.*, in St. Michael's in Bedwardine (*Acc'ts* ed. John Amphlett) one Stanton left 50s. to the poor in 1583 (*Acc'ts*, p. 97-8).

ally, however, parish money was loaned gratis, the parish taking sureties for its repayment and sometimes articles of value, being, apparently, not always above doing a little pawnbroking business.<sup>44</sup> On the other hand, when the parish itself had occasion to borrow money it would occasionally give its own valuables as security. Thus the Mere, Wiltshire, wardens record in 1556 that they have redeemed on the repayment of 40s. to one Cowherd, "borrowed of hym to thuse of the Churche," "certeyn sylver Spones of the Churche stocke."<sup>45</sup> Finally, parishes would now and then make some cautious speculation in real estate, such as the buying of a local market or fair with a view to profit.<sup>46</sup>

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Robt. Chadbourne paid 5s. for the use of this money for several years (*Acc'ts*, p. 108, etc.). It then was loaned to John Brayne, an entry being made from time to time that the principal was owing as well as the interest (*Acc'ts* p. 108). Brayne paid the 50s. to the wardens in Sept., 1595. Cf. preceding note (Cartmel school money).

<sup>44</sup> *St. Michael's in Bedwardine Acc'ts*, *supra*, 96 (One Fletcher loaned 30s. in 1586, he depositing with the wardens "a gilt salt with a cover"). For numerous gratuitous loans of parish money, see the Mere *Acc'ts*, *Wilts Arch. and Nat. Hist. Mag.*, xxxv (1907), *passim*. Cf. also the document of 1586 relating to the parish of Heavitree, in *Devon Notes and Quer.*, i (1901), 61, where it is stipulated (*inter alia*) that if any parishioner of good character upon reasonable cause shall desire to borrow from any surplus funds of the church for a season, "such a one shall not be denyed."

<sup>45</sup> See *Wilts Arch. Mag.*, xxxv. Cf. J. E. Foster, *St. Mary the Great* (Cambridge) *Acc'ts* (1905), 208.

<sup>46</sup> In 1564 the parishioners of Chagford, Devon, bought from the lord of the manor for £10 the local markets and fairs, subject to a yearly rent of 16s., which they had always paid as tenants. They then repaired and enlarged the market house. Presumably their venture was a profitable one, for in 1595 the revenue from these markets and fairs was £3 10s. G. W. Ormerod in *Devon Assoc. for Adv. of Science*, etc., viii (1876), 72. Same, *Local Information reprinted from the Chagford Parish Mag.* (1867) in *Topographical Tracts* in Brit. Mus. As it was sometimes hard for the authorities to prevent the churchwardens from utilizing the church for plays, so it was hard for them to keep the wardens from giving up the churchyard or outlying portions of the church structure for fairs and stall-holders. In Herts Co. Rec. Quarter Sess. Rolls (ed. W. J. Hardy, 1905), p. 13, we read, *s. a.* 1591-2, that a presentment was made that some part of the "fayer of Starford has usually been kept within the compase of the churchyard." See also *St. Edmund and St. Thomas, Sarum, Acc'ts* (ed. H. J. F. Swayne, *Wilts Rec. Soc.* 1896), introd., p. xxiii (St. Edmund's fair held within and without the churchyard. Wardens receipts from cheesesellers, butchers, etc., for stalls and standings).

Leaving the subject of endowments we shall now take up in order the measures which may be called *Parish Expedients for raising money*.

Of all means ever devised for obtaining large sums of money for parish uses, the most popular, as certainly the most efficacious, was the *Church-ale*. Widespread during the first years of Elizabeth's reign, church-ales, for reasons hereafter to be mentioned, ceased to be held in many parishes towards the end of the reign. They constitute, nevertheless, at all times during the 16th century an important chapter in the history of parochial finance. In some wardens' accounts the proceeds of these ales form a yearly recurring and an ordinary receipt item; in others ales were resorted to when some unusually large sum had to be raised, or some heavy expense was to be met, such as the rebuilding of the church tower, the recasting of the bells, the raising of a stock to set the poor to work, or the buying of a silver communion cup.<sup>47</sup> Frequently, also, funds were raised by means of ales called clerk-ales, sexton-ales, etc., to pay the wages of clerks, sextons and other servants of the parish. "For in poore Countrey Parishes," writes an early 17th century bishop, "where the wages of the Clerke is very small, the people . . . were wont to send him in Provision, and then feast with him, and give him more liberality then their quarterly payments [or offerings] would amount unto in many years." Indeed, he continues, since these ales have been abolished "some ministers have

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<sup>47</sup> As late as 1633 the bishop of Bath and Wells could write to Archbishop Laud: "I finde that by Church-ales hertofore many poore Parishes have cast their Bells, repaired their Towers, beautified their Churches, and raised stocks for the poore." Wm. Prynne, *Canterburies' Doome*, etc. (1646), 151. Cf. Philip Stubbes, *Anatomie of Abuses* (4th ed., 1595), 110-11. *Spudeus*: "But, I pray you, how do they bestow that money which is got thereby?" [*i. e.*, by church-ales]. *Philopomus*: "Oh well, I warrant you, if all be true which they say; for they repaire their Churches and Chappels with it; they buy bookes for service, Cuppes for the celebration of the Sacrament, Surplesses for Sir John [*i. e.*, the parson], and such other necessities. And they maintaine other extraordinarie charges in their Parishes besides."

complained unto me, that they are afrayd they shall have no Parish Clerks for want of maintenance for them."<sup>48</sup>

Church-ales were usually held at or near Whitsuntide, hence they were also called Whitsun-ales or May-ales in the accounts. If the occasion were an extraordinary one, and it was sought to realize a large sum, notices were sent to the surrounding parishes, say to ten, fifteen, or more, to be read aloud from the pulpits of their respective churches after service, which notices contained invitations to any and all to come and spend their money in feasting and drinking for the benefit of the parish giving the ale. As the day approached for the opening of the ale, which, if it were a great one, would be kept for four or five days or more, all was bustle in the parish to prepare for a feasting which often assumed truly Gargantuan proportions. Cuckoo kings and princes were chosen, or lords and ladies of the games; ale-drawers were appointed. For the brewing of the ale the wardens bought many quarters of malt out of the church stock, but much, too, was donated by the parishioners for the occasion. Breasts of veal, quarters of fat lambs, fowls, eggs, butter, cheese, as well as fruit and spices, were also purchased. Minstrels, drum players and morris-dancers were engaged or volunteered their services. In the church-house, or church tavern, a general-utility building found in many parishes, the great brewing crocks were furbished, and the roasting spits cleaned. Church trenchers and platters, pewter or earthen cups and mugs were brought out for use; but it was the exception that a parish owned a stock of these sufficient for a great ale. Many vessels were borrowed or hired from the neighbors or from the wardens of near-by parishes, for, as will presently be seen, provident church-

<sup>48</sup> Bath and Wells to Canterbury, Prynne, *supra*, *loc. cit.* In 1536 at Morebath, Devon, the parish agreed that the clerk should gather his "hire meat" (*i. e.*, so much corn of each one) at Easter, "& then y<sup>e</sup> p[a]rysse schall helpe to drenke him a coste of ale yn ye churche howse." J. E. Binney, *Morebath Acc'ts* (1904), 86. When in 1651 at St. Thomas', Salisbury, clerk-ales were abolished, "both the clerk and sexton claimed compensation for the loss of income sustained." The same was true of St. Edmunds' (in the same city) in 1697. Swayne, *St. Edmund and St. Thomas Acc'ts*, introd., p. xvii.

wardens derived some income from the hiring of the parish pewter as well as money from the loan of parish costumes and stage properties. When the opening day arrived people streamed in from far and wide. If any important personage or delegation from another village were expected, the parish went forth in a body with bag-pipes to greet them, and (with permission from the ecclesiastical authorities) the church bells were merrily rung out. At the long tables, when the ale was set abroach, "well is he," writes a contemporary, "that can get the soonest to it, and spend the most at it, for he that sitteth the closest to it, and spendes the most at it, hee is counted the godliest man of all the rest . . . because it is spent uppon his Church forsooth."<sup>49</sup> The receipts from these ales were sometimes very large. So important were they at Chagford, Devon, that the churchwardens were sometimes called alewardens.<sup>50</sup> At Mere, Wilts, out of a total wardens' receipts of £21 5s. 7½d. for the two years 1559-61, the two church-ales netted £17 3s. 1½d.,<sup>51</sup> thus leaving only £5 2s. 6d. as receipts from other sources for these two years. At a later period, on the other hand, this relation of receipts was entirely reversed. For instance, in 1582-3 the wardens secured only £4 10s. 4d. from their ale, while proceeds from other sources amounted to £17 9s. 7d.<sup>52</sup>

<sup>49</sup> Stubbes, *Anatomie*, etc., 110. The above account of church-ales has been derived partly from Stubbes and from a curious little pamphlet, edited by Rev. Fredk. Brown in 1883, entitled *On some Star Chamber Proceedings*, 34 *Eliz.* 1592; partly, also, from many churchwardens acc'ts, in particular the Seal Acc'ts in *Surrey Arch. Coll.*, ii (1864), 34-6 (See items in detail for the ale of 1592, and especially the ale of 1611. Expenses for all manner of provisions and delicacies, for minstrels and evidently, too, for a play occur. In 1611 the festivities lasted at least 5 days). Cf., too, the *Expenses of the Maye Feast* at Dunmow in 1538 (Cooks, minstrels and players mentioned), *Essex Arch. Soc.*, ii, 230. Also Kitchen, *Manor of Manydown*, 172-3 (Lists of delicacies provided at the Wootton ale in 1600. Expense items for lords' and ladies' liveries, players, etc.)

<sup>50</sup> The Parish of Chagford in *Devon Ass. for Adv. of Science*, viii, 74.

<sup>51</sup> *Wilts Arch. Mag.*, xxxv (1907), Mere Acc'ts, 30. These have been transcribed verbatim by Mr. T. H. Baker.

<sup>52</sup> *Op. cit.* Because of greatly increased expenses the wardens here thenceforth resorted to collections according to a book of rates. They also devised other means of income, such as parish burial

In the thirty-one years from 1556-7 to 1587-8 in this parish the recorded wardens' expenditures had more than doubled. In the first-named year they had been but £8 12s. 5d.;<sup>53</sup> in the latter year they had swelled to £18 14s. 3½d.<sup>54</sup> This characteristic is true of all Elizabethan church budgets, and the writer has seen a number of them.<sup>55</sup> The Wootton churchwardens enter under the year 1600 the following: "Rec. by our Kingale, all things discharged, xij li. xiiij[s]. jd. ob.," an important sum for the day.<sup>56</sup>

Besides the churchwardens other wardens or gilds sometimes busied themselves with the selling of ale for the benefit of the church. One of these gilds at South Tawton, Devon, records in its accounts for 1564: "We made of our alle and gathering xl l. viijs. viijd."<sup>57</sup>

So important a source of parish income had to be carefully looked after. A church-ale with its attendant festivities for drawing visitors was an important business matter. Accordingly we find the parishioners of St. John's, Glastonbury, making an order in 1589 "that the churchwardens shall yearly keape ale to the comodeti of the parishe upon payne of xxs. a yere."<sup>58</sup>

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fees, collections for the holy loaf (*i. e.*, blessed but not consecrated bread), etc. This casting about for new sources of revenue was characteristic of all parishes as the reign advanced.

<sup>53</sup> *Op. cit.*, 26.

<sup>54</sup> *Op. cit.*, 92.

<sup>55</sup> In 1605 and 1606, doubtless to meet some extraordinary expenses, the Mere wardens roused themselves to great efforts at their church-ale, and netted £15 6s., and £20 respectively. Sir Rich. Colt Hoare, *Hist. of Modern Wiltshire* (1822), i, 21.

<sup>56</sup> Kitchen, *Manor of Manydown*, 174. At this ale there were six tables and the receipts from each were tabulated separately. For other large receipts see the Wing, Bucks, Acc'ts, *Archæologia*, xxxvi, 219 ff. In 1598 the ale here yielded £9 16s. 4d. At Morebath, a small and poor parish, an ale had produced £10 13s. 5d. in 1529. but the receipts from this source fell off here in Elizabeth's time. At Stratton, Cornwall, up to 1547, at any rate, if not later, ales were the chief source of income. *Archæologia*, xlvi, 195-6.

<sup>57</sup> *Devon Notes and Quer.*, iii (1905), 224. Cf. the Young Men Wardens' ales at Morebath (Binney, *Morebath Acc'ts*, 213 [1573], *et passim*). Also St. Anthony's Gild ales at Chagford. *Devon Ass. for Adv. of Science*, viii, 74 (1599). Various persons at Milton Abbot sold ale and bread. *Op. cit.*, vol. xi (1879), 218.

<sup>58</sup> *Notes and Quer. for Somer. and Dorset*, v (1897), 48. The same year in these acc'ts we find three conduit wardens mentioned. These

In Ashburton, Devon, in 1567 Christopher Wydecomb had to pay 20s. to the wardens "because he refused the office of the drawer of the church ale."<sup>59</sup> At Wing, Bucks, those refusing "to be lorde at Whitsuntyde for the behofe of the church" were fined 3s. 4d. apiece.<sup>60</sup> In some places these masters of the revels were called Cuckoo Kings, and the office seems to have gone in rotation like other parish offices.<sup>61</sup>

When invitations had been sent out to surrounding parishes, interparochial courtesy seems to have required the attendance either of the churchwardens or of some other more or less official representatives of the neighboring communities. These representatives carried with them some small contribution made at the expense of their respective parishes ('ale-scot').<sup>62</sup>

Because of the alleged drunkenness and disorderly conduct attendant upon some of these ales, the justices of assize and the justices of the peace attempted in some shires to

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are to have "the assistance of William Ellis plomer [plumber]." Of them it is also determined that they "do kepe an alle for the comoditie of the condytts in the sayd Towne to be kept abowts the tyme of Shrofftyde," *i. e.*, just before Lent.

<sup>59</sup> Butcher, *The Parish of Ashburton*, 41. It would seem that there were special wardens here for ale drawing. (See p. 44 [1570-1].)

<sup>60</sup> *Archæologia*, xxxvi, 235.

<sup>61</sup> "And because John Watts hath ben long sick, hit is agreed that if hee be not able to s[e]rve at the tyme of the Church ale, That then John Coward . . . shall s[e]rve and be king in his place for this yeare." Mere Acc'ts (*Wilts Arch. Mag.*, l. c., 34) *s. a.* 1561. Cf. J. H. Matthews, *History of St. Ives* (1892), 144, *et passim*.

<sup>62</sup> Bishop Hobhouse, *Churchw'dn's Acc'ts of Croscombe, Pilton, etc.*, *Somerset Rec. Soc.*, iv (1890), 80, where he says: "The [Yatton] wardens attended these festivals at Ken, Kingston, Wrington, Congresbury, etc., with more or less regularity, making their contributions, commonly xijd. in the name of the parish and at the cost of the parish . . ." Cf. *Morebath Acc'ts* (ed. Binney), 224: "It there was payd a trinite Sondag at the Churche ale at Bawnton [Bampton] for John Skynner . . . xjd." (1565). Mere Acc'ts (*Wilts Arch. Mag.*), 60: "Item paied for bread and drink to make the Sum[m]er Lord of Gillingham Drink . . . ijs. vjd." (1578-9). T. Nash, *Hist. and Antiq. of Worcestershire*, ii, appen., p. xxix (Halesowen Acc'ts: "Paid when we went to Frankley to the church ale 20d.").

put them down on various occasions.<sup>63</sup> More effective, perhaps, in doing away with them was the gradual growth of Puritanism.

In conclusion it should be remarked that church-ales seem to have obtained only in Central and Southern England. The huge and thinly populated parishes of the North did not favor the development of an institution so essentially social in its character.

*Church Plays, Games and Dances* were allied in a measure with church-ales, partly because they were sometimes held concurrently with them, partly because they served as a substitute for the ales when these fell into disrepute. Miracle plays and other pageants were given by certain parishes from time to time, too frequently in the churches themselves, in which case the wrath of the ordinary was called down upon the parish if he heard of them.<sup>64</sup> Some parishes kept various costumes and stage properties, which were hired out to other parishes when not in use.<sup>65</sup> May games, Robin Hood plays or bowers, Hocktide sports and

<sup>63</sup> See the precedents given for the Western Circuit in Prynne, *Canterburies' Doome*, 152. Cf. also, *ibid.*, 128 ff. That these ales died hard in Devon and Somerset is seen by the repeated judicial orders. See also J. W. Willis Bund, *Social Life in Worcestershire illustrated by the Quarter Sess. Rec. in Assoc. Archit. Soc.*, xxiii, Pt. ii (1897), 373-4 (1617). A. H. Hamilton, *Quarter Sessions from Elizabeth to Anne* (1878), 28-9. Harrison, *Descrip. of Engl.*, Bk. ii, New Shak. Soc., 32. Saml. Barfield, *Thatcham, Berks, and its Manors*, ii, 105 (Wardens Acc'ts 1598-9: "Item wee were bounde over by Mr. Dolman, Justice, to appeare at Reading Assizes, where it cost T.. L.. and R.. C.. concerning our business wee kept at Whitsuntide xvs. apece, somme xxxs.").

<sup>64</sup> Hale, *Crim. Prec.*, 149 (Hornchurch wardens bringing players into church. 1566). *Ibid.*, 156 ("Tromperie" and "paynted stuff for playes in the chefe parte of the [Rayleigh] church." 1574). *Ibid.*, 158 (Two plays in Romford Chapel by "comon players." Wardens plead in extenuation that proceeds went to "a poore man in decay." 1577). Leverton, Lincolnshire, Acc'ts, *Archæologia*, xli, 333 ff. (Several examples of plays in the church. 1579-95).

<sup>65</sup> In the Chelmsford Acc'ts, *Essex Arch. Soc.*, ii, 225-6 (1562), is a most interesting inventory showing an elaborate stage outfit. That it was used for miracle plays is seen on p. 227 ("Cotte of lether for Christe," and "lyne for the clowdes," etc.). From various towns the Chelmsford men received in 1563, and subsequently, large sums for the hire of these properties, e. g., £3 6s. 8d. from "Starford" (Bishop Stortford?); 43s. 4d. from Colchester.

forfeits, morris-dances and children's dances were all turned to the profit of the church, collections being taken up at them.<sup>66</sup> Morris coats, caps, bells and feathers were frequently loaned out for a consideration by wardens to other parishes.<sup>67</sup>

*Church-house.* Here were the brewing kettles and the spits, and here was stored church grain or malt for beer making.<sup>68</sup> Here, too, presumably, the pewter ale pots, trenchers, spoons, etc., which figure in the accounts, were kept. These were hired out to other parishes for their ales.<sup>69</sup> While ale was brewed and drunk in the church-house for the benefit of the parish, and that apparently on other occasions than church-ales, it does not seem probable that the place was often allowed to degenerate into a common ale-house, even though in some parishes it may have borne the name of "church tavern."<sup>70</sup> When not required for parish pur-

<sup>66</sup> Examples are Thos. North, *St. Martin's, Leicester, Acc'ts* (1884), 80 (Children's morris-dance. 1558-9). *Ibid.*, 85 (Robin Hood play). St. Helen, Abingdon, *Acc'ts, Archæologia*, i (2d ed.), 15 (1560). J. H. Baker, *Notes on St. Martin's (Salisbury) Church and Parish* (1906), Wardens *Acc'ts*, 153 (Whitsun dance in 1588 yielding 13s. 4d.). *St. Edmund and St. Thomas, Sarum, Acc'ts*, introd., p. xvii. Also both *acc'ts, passim* ("Feast of Hokkes," "Childrens daunse." At St. Edmund's £3 12s. collected in 1581 [p. 131]; at St. Thomas' same year £3 6s. 8d. [p. 291]). T. N. & A. S. Garry, *St. Mary, Reading, Acc'ts* (1893), 28-9, *et passim* (Whitsuntide and Hocktide money here drop out as early as 1575. There was also here a Christmas gathering).

<sup>67</sup> Examples: Wandsworth *Acc'ts* in *Surrey Arch. Coll.*, xvii (1902), 158 (1567-8). John Nichols, *Illustrations of the Manners etc. of Antient Times* (1797) (Great Marlow, Bucks, *Acc'ts*, 135. 1612), etc.

<sup>68</sup> *Wilts Arch. (etc.) Mag., loc. cit.* (Mere *Acc'ts*: brass crocks in inventory of 1584). Chagford *Acc'ts* in *Devon Ass. (etc.)*, 74. Binney, *Morebath Acc'ts*, 132. A. E. W. Marsh, *History of Calne*, 368 (Church furnace, 1529. Wardens expenditures for sowing church lands, mowing them, and carrying the corn and storing it in the church-house). *The Antiquary*, xvii, 169 (Stanford, Berks, *Acc'ts*, s. a. 1569: laying corn in church-house, and making malt there). *Morebath Acc'ts*, 132 (Spits put up in the church-house).

<sup>69</sup> *Morebath Acc'ts*, 142 (Church stock-taking), Mere *Acc'ts (Wilts Arch. (etc.) Mag. loc. cit.)*, 32, 37, 54, etc. Chelmsford *Acc'ts*, 217 ("xv dosen pewter & ix peces," and rent of it owing to church. 1560).

<sup>70</sup> St. John's, Glastonbury, *Acc'ts, N. and Q. for Som. and Dor.*, v, 94, s. a. 1588 (Selling ale in church-house). Tintinhull *Acc'ts, Somer. Rec. Soc.*, iv, p. xxii ("The chief source of income [church-

poses the church-house was rented out, and rooms in an upper story were used for lodging.<sup>71</sup>

As church-ales fell into disfavor *Offerings* or *Gatherings* in church or at the church door became more frequent<sup>72</sup> and more systematized. As time went on these collections were regularly taken up in many parishes every quarter, usually at Easter, Midsummer, Michaelmas and Christmas.<sup>73</sup> Hence the name quarterage.<sup>74</sup> When the proceeds went to general church furnishing and repairing, the gatherings were sometimes called in the accounts "church works."<sup>75</sup> As the sum given by each was often noted down in "quarter books" or "Easter books,"<sup>76</sup> and was, on denial, occasionally sued for before the official (together with dues for other purposes—clerk's wages, pew rents, etc., presently to be noticed), an "offering" might become virtually an assessment or rate.<sup>77</sup>

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house] at T[intinhull] and elsewhere to the end of the 16th Century."). Stratton Acc'ts, *Arch.*, xlvi, 198. *Bristol and Glouc. Arch. Soc. Tr.*, vii (1882-3), 108 (Tenement donated 1532 to Northleach known as "the Churche Taverne." It was rented out, but on the condition that the lessee should "permit the towne to have the use of the same one month at Whitsontyde"). Of the Stratton church-house we are told that men were fined (in 1541) for drinking ale there, because the drinking was not for the profit of the parish. *Arch.*, *loc. cit.*, *supra*.

<sup>71</sup> *Stanford Acc'ts*, *loc. cit.*, s. a. 1595. *Stratton Acc'ts*, *loc. cit.*, 198.

<sup>72</sup> Thus at Calne (Wilts) in 1574-5 no church-ale was had, but a gathering in lieu of it was made from the parishioners. Ales and collections thenceforward alternated here, until church rates were established. Marsh, *History of Calne*, 372.

<sup>73</sup> See, e. g., Thos. North, *St. Martin's Leicester*, *Acc'ts*, 98, where the times of collection are named.

<sup>74</sup> See, among others, Ludlow Acc'ts, *Shrop. Archit.* (etc.) *Soc.*, iii, 127 (1567), where the name occurs. Also St. Edmund's, Sarum, *Acc'ts*, *Wilts Rec. Soc.* for 1896, p. 141 (1592).

<sup>75</sup> E. g., at St. Edmund's, Sarum, or at St. Martin's, Leicester.

<sup>76</sup> See, e. g., J. E. Foster, *St. Mary the Great* (Cambridge) *Acc'ts*, 148 ff. Offerings of the masters of arts and of the bachelors form a distinct feature here.

<sup>77</sup> See pp. 41 ff. and 59 *supra*. In the *Morebath Acc'ts* (ed. J. E. Binney, p. 178) we read, s. a. 1553-4, as a heading to the receipt items: "Now to pay y<sup>s</sup> forsayd dettis & demawndis y<sup>e</sup> schall hyre of all our resettis y<sup>t</sup> we have resseuyed, & how gentylly for y<sup>e</sup> moste p[ar]te men have payd of there owne devoc[i]on w[i]t[h] out ony taxyn or ratyng as y<sup>e</sup> schall hyre here after." Then follows a list of 30 names. There is evidently some sort of rough assessment here, e. g., Nicholas at Hayne pays 4s. 9d., "consyderyng hys bothe bargayns" (i. e., small farms). Cf. *St. Edmund and St. Thomas, Sarum, Acc'ts*, p. xviii and p. 317.

We come now to *Communion Dues*, or *Collections* taken up at the time of communion.

"*Paschall money*" is defined in a vestry order of Stepney parish, London, in 1581 as a duty of 1d. paid by each communicant at Easter "toward the charge of breade and wine over and besides theyre offering mony due unto the vicar." These paschal dues, the order further informs us, had long been farmed by the vicar for 40s. yearly. But now the yield of a penny from each communicant was "thought a thing so profitable and beneficiall," that only as a special mark of favor was the vicar to continue to farm it, but at £4 thenceforth instead of at 40s.<sup>78</sup> "*Easter money*," an expression found not infrequently in the accounts, may have referred to the same payment, or it may have designated the offering which generally followed the celebration of communion,<sup>79</sup> taken up, doubtless, from all those present, whether communicating or not, the proceeds of which might go to the minister or to the parish according to agreement or custom.

Though the Second Edwardine Prayer Book (1552) provided that the elements were to be found by the curate and the wardens at the expense of the parish, which was then to be discharged of fees, or levies on each household, nevertheless, we meet with *Communion Fees* or with house-to-house levies to defray the cost of bread and wine in many parishes during Elizabeth's reign.<sup>80</sup> In order to ensure pay-

<sup>78</sup> Five years later, the vicar dead, the clerk was ordered to assist the wardens in receiving the 'paskall pence' whether paid at Easter or at any other time of communion. Hill and Frere, *Memorials of Stepney Parish*, 4-5 and 13-14.

<sup>79</sup> Ordered by St. Edmund's, Sarum, vestry in 1628: "that the bread and wyne for the Communion shalbe paid for by the auncyennt paymentt of the halfepence, and yf it shall com[e] to more . . . Jt shalbe supplied out of the rest of the mony given after the Co[m]-munion." *St. Edmund and St. Thomas Acc'ts* (Wilts Rec. Soc.), 187.

<sup>80</sup> These levies were 2½d. on each householder at St. Margaret, Lothbury, London; 3d. a house at St. Lawrence Pountney, London (*History of St. Laurence Pountney*, by H. B. Wilson [1831], 125 ff.). Etc. At Salehurst, Sussex, the fee was 1d. a poll yearly, heads of households being empowered in 1585 to abate that sum from their servants' wages: *Sussex Arch. Coll.*, xxv, 154. At Pitlington, Durham, landlords were to answer for their cottagers for a yearly fee of 2d.: *Surtees Soc.*, lxxxiv, 29 (1590). Cf. *ibid.*, Houghton-Le-

ment of the communion fee, tokens (or as we would say today, tickets) were provided in some parishes which were first to be handed in before the ministrant admitted the applicant to reception.<sup>81</sup>

In a number of parishes a fine wine such as muscatel or malmsey was provided for the better sort, or the masters and mistresses, while the servants, or poorer folk, were served with claret.<sup>82</sup> Indeed where all were compelled to communicate thrice yearly the cost of wine was a very serious item.

*Collections for the Holy Loaf*, that is, blessed but not consecrated bread, which went to defray the costs of administering the Eucharist, occur in some of the earlier Elizabethan accounts.<sup>83</sup> Surplus communion fee money, or communion offerings were devoted to the care of the poor and other expenses.<sup>84</sup>

The heading *Clerk's Wages*, which is so often met with in the wardens' receipt items, frequently serves (as do several other special headings) as a mere peg on which to hang a collection for various or even for general parish expenses.<sup>85</sup>

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Spring Acc'ts, 269. Leverton, Lincoln, Acc'ts, *Archæologia*, xli, 368 (A penny a poll for the elements. 1612). In the Abbey Parish Church Estate Acc'ts, Shrewsbury, every "gentleman" is to pay 6d. yearly to the wardens for bread and wine; "the second sorte" of the parishioners 4d. each; "the third or weaker sorte," each 2d.: *Shrop. Arch. Soc.*, i, 65 (1603).

<sup>81</sup> See Great Yarmouth Acc'ts, *East Anglian*, iv (1892), 67 ff. (An item for purchase of 1000 tokens. 1613-14). Also *St. Margaret, Lothbury, Vestry Minute Books*, 14 (1584). Also *Archæologia Eeliana*, xix (1898), 44 (Ryton, Durham, Book of Easter offerings. 1595).

<sup>82</sup> *St. Edmund and St. Thomas, Sarum, Acc'ts*, 288 (Muscatel and claret). *Abbey Parish Church Estate Acc'ts*, 62 (same). *St. Martin's, Leicester, Acc'ts* (ed. Thos. North), 100 (Malmsey and claret).

<sup>83</sup> Rubric § 144 of the First Edwardine Prayer Book directs that as ministers are to find the elements, the congregations are to contribute every Sunday at the time of the offertory the just value of the holy loaf. See E. Freshfield, *St. Christopher-le-Stocks Vestry Minute Book*, p. vii, *et passim*. Stanford, Berks, Acc'ts, *Antiquary*, xvii, s. a. 1582 (2d. collected every Sunday for holy loaf). Mere Acc'ts (*Wilts Arch. (etc.) Mag.*, xxxv, 38), s. a. 1568, *et passim*.

<sup>84</sup> J. V. Kitto, *St. Martin's-in-the-Fields* (London) *Acc'ts*, append. D., Vestry Order of 1590. Parish order of Salehurst (1582), *Sussex Arch. Coll.*, xxv, 153. St. Margaret's, Westminster, Overseers Acc'ts in *Westminster Tobacco Box*, Pt. ii, 18 (1566).

<sup>85</sup> E. g., at St. Laurence Pountney, London, the "clerk's wages"

*Pews and Seats in Church* were often made a source of revenue. Thus at St. Mary's, Reading, it was agreed in 1581 by the chief men of the parish, in order to augment the parish stock and to maintain the church, because "the rentes ar very smale," that those sitting in front seats in the church should pay 8d., those behind them 6d., the third row 4d., and so on.<sup>86</sup>

At St. Dunstan's, Stepney parish, London, a book was made by the wardens "whearein was expressed the pewes in the whole Church," distinguished by numbers. "Also there was noted against everie pewe the price that was thought reasonable it shoulde yeeld by the yeare. . . . The w[hi]ch rates by this vestrie is allowed and confirmed to be imploied to the use of the parish Church." When a few months later it was determined to build a gallery because the congregation needed more seats, it was also settled that the cost should be met by a year's pew rent in one payment down, over and besides the usual quarterly payments for seats.<sup>87</sup> Sometimes the seats were sold outright and for life only.<sup>88</sup>

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amounted in 1598 to nearly £30 in the wardens receipt items, but in the expense items to £8 plus various dues for lighting, bell-ringing and church-linen washing, in all £12 12s. Wilson, *History of St. Laurence*, 125. In the *St. Christopher-le-Stocks Acc'ts* (ed. E. Freshfield), p. 4, the receipts in 1576 for "Clarkes wagis" are £9 6s. 5d., but we read: "Pd. to J. . M. Clarke his whole yeares wagis [etc.] . . . iij li." In *St. Margaret, Lothbury, Vestry Minutes* (p. 13) it was decided in 1581 to raise the "clarkes rolle" to £8 a year, but expressly stated that the clerk is to be paid as before, "but That [the] overplus Shall remayn For astocke to the churche to beare owtt such charges as shalbe nessesarye for the same." In *St. Bartholomew, Exchange, Vestry Minutes* (ed. E. Freshfield) in 1583 it is agreed (p. 27) that the clerk is to pay out of his wages the statutory assessment of 2d. weekly on the parish for maimed soldiers and mariners. Same stipulation at St. Alphage's, London Wall: G. B. Hall, *Records of St. Alphage* (1882), 25 (1594).

<sup>86</sup> *St. Mary, Reading, Acc'ts* (ed. F. N. & A. G. Garry), p. 56.

<sup>87</sup> Hill and Frere, *Memorials of Stepney*, 1-3 (1580). Later, 1606 (p. 50), the same method was employed to pay debts for casting the bells. Those not paying their assessments were to be deprived of their seats (p. 4). Other examples of raising money by pew rents are Butcher, *Parish of Ashburton*, 49 (£6 4s. collected "for the seat rent". 1579-80). *St. Christopher-le-Stocks Vestry Minutes*, 71 (Clerk's wages to be "sessed by the pyews").

<sup>88</sup> Baker, *Mere Acc'ts* (*Wilts Arch.* [etc.] *Mag.*), 33 (12d. for seats for a man and his wife, "which before were his ffather's." 1561).

*Mortuary Fees* were a source of revenue in almost all parishes, and sometimes an important one.<sup>89</sup> Consequently tariffs of fees were drawn up in various places. So much is charged for interment within, so much for burial without the church; so much for a knell according to duration and according to size of the bell; so much for the herse—a sort of catafalque—so much for the pall, the fee varying from that charged for “the best” to that charged for “the worst cloth”; so much if the body is coffined or uncoffined, most of the dead being buried in winding sheets only, though the parish provided a coffin for the body to lie in during service in church and for removal to the graveside.<sup>90</sup> So, too, one fee was charged for interring a “great corse,” another for a “chrisom child.”<sup>91</sup> All, in fact, is tabulated

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In a sale to a parishioner in 1556-7 it is expressly stated that she is to hold the seat during “here lyfe Accordynge to the old usage of the parishe”: *ibid.*, 24. At St. Edmund’s, Sarum, the sale was sometimes for life, sometimes for a lesser period. A fine was paid for changing a pew, *Introd.*, p. xxi. Cf. order made at Chelmsford in 1592, *Essex Arch. Soc.*, ii, 219-20. See in St. John’s, Glastonbury, *Acc’ts, Notes and Quer. for Somer. and Dor.*, iv, 384, s. a. 1574, and *op. cit.*, v, s. a. 1588, many receipts from the sale of seats. Cf. Pitington Vestry order, 1584, *Surtees Soc.*, lxxxiv, 13. *St. Michael’s in Bedwardine Acc’ts*, *Introd.*, p. xvi. Fletcher, *History of Loughborough*, *Acc’ts*, 24 ff.

<sup>89</sup> See, e. g., in *St. Martin-in-the-Fields Acc’ts*, 214, the long list of receipts “for burialls, knylles and Suche Lyke,” s. aa. 1563-5. At St. Edmund, Sarum, burials with christenings and banns netted £8 5s. 2d. in 1592-3 (*Acc’ts*, 141). At Kingston-upon-Thames in 1579 burials totalled 39s. 8d.: *Surrey Arch. Coll.*, viii, 75. In *St. Michael’s, Cornhill*, London, *Acc’ts* (ed. W. H. Overall & A. J. Waterlow), 178-9, the receipts from knells and peals alone were 44s. 8d. in 1589-90.

<sup>90</sup> J. V. Kitto, *St. Martin-in-the-Fields Acc’ts* (1901), 106, note.

<sup>91</sup> One of the most systematic tariffs I know of is that of St. Alphage, London Wall (G. B. Hall, *Records of St. A.*, 28-30) drawn up in 1613. First there are *The Parson’s dutyes for Parishioners*, for bann-askings, weddings, churchings, etc., as well as a percentage on offerings. Then the burial fees due him, without or with a coffin, in churchyard or in church, etc. Then comes the heading, *The dutyes belonging to the Parrish for Parrishioners*, a catalogue of fees for burial under various conditions. Then follow *The Parrishe’s dutyes for the Bells* (knells, peals, with small or large bells). Finally, *The Clarke his dutyes for Parishioners* (Bann-askings, weddings, churchings, grave digging, tolling the bells for funerals in various ways, and on specified occasions, etc.). All the above fees are doubled in case of non-parishioners. See also the Salehurst tariff of 1597, most comprehensive and minute

with minute precision, the minister getting certain fees for himself alone, and sharing others with the parish; and so of the clerk and of the sexton, if any. Among other reasons alleged by the vestry of Stepney parish for dismissing their sexton in 1601 was because he made "composic[i]on with diu[er]s & sundry p[ar]ishoners for the duties of the church to the hinderance & great damage of the benefitt of the church & p[ar]ishoners."<sup>92</sup>

*Fees for Weddings, Christenings and Churchings*, and for the ringing of the bells (at marriages), together with the *Offerings* taken up on these occasions, might form a source of revenue to the parish, either going directly into the parish coffers, or being paid in whole or in part to minister, clerk or sexton, who, after all, had to be supported by the parish (or otherwise), being essential officers or servants.<sup>93</sup>

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also: *Sussex Arch. Coll.*, xxv, 154-5. Also parish order in *St. Martin's, Leicester, Acc'ts* (ed. Thos. North), 19 and 128, s. aa. 1570-1 and 1584-5, as to duties for bells. These are regulated according to the rank of the person. *St. Margaret, Lothbury, Vestry Min.*, 2 (Order regulating fees for "weddinges, cristeings, churchinges and berrialls" of 1571). See also the tariff of *St. Edmund, Sarum (Acc'ts, 194)*, of 1608.

For receipt items for palls in the acc'ts, see *St. Martin's-in-the-Fields Acc'ts*, 317 (1580), where "best cloth" nets 20d. on each occasion, the "worst" but 2d. See also Stepney vestry regulation of 1602 concerning fees to be paid for palls: *Memorials of Stepney*, 41-2.

For expenses for making parish coffins see *St. Martin's-in-the-Fields Acc'ts*, s. a. 1546. Cf. *St. Edmund and St. Thomas, Sarum, Acc'ts*, introd., p. xx. *St. Helen, Bishopsgate, Acc'ts* (ed. J. E. Cox), 103 (Ordinance of 1564 that those buried within the church are to be confined). Also the other acc'ts *supra*. At *St. Edmund, Sarum*, the wardens sold tombstones for the benefit of the parish (*Acc'ts, 135. 1587-8*).

<sup>92</sup> *Memorials of Stepney*, 39-40.

<sup>93</sup> See W. G. D. Fletcher, *Hist. of Loughborough (Acc'ts)*. 24: an order regulating fees for marriage peals in 1588. In *St. Edmund, Sarum, Acc'ts*, 127, are receipt items, being money turned over to the wardens by the sexton, for banns, christenings, etc. Cf. *Introd. to St. Edmund and St. Thomas, Sarum, Acc'ts*, p. xix. Cf. also *St. Laurence Pountney Acc'ts* (Wilson, *Hist. of St. L.*), 124 (A marriage offering going to the parish. 1582). Usually marriage and churching dues went to minister and clerk (see tariffs, p. 221 *supra*). Chrisoms, i. e., white robes put on children when baptized, and given as an offering at churching, occasionally figure in the wardens' receipt items. See, e. g., J. E. Foster, *St. Mary the Great (Cambridge) Acc'ts*, 156 (1565-7), *et passim*. *St. Thomas, Sarum, Acc'ts*, 282 (Chrisoms farmed out by the parish in 1562-3. In 1567-8

The parish poor and the parish church derived an uncertain, but by no means negligible, income from the product of *Fines for various Delinquencies*.

In the previous chapter fines for non-attendance at church have been alluded to.<sup>94</sup> A contemporary, writing in 1597, refers to these as an important fund for the support of the poor if duly levied. He writes: "Whereunto [he is speaking of various means to alleviate poverty] if we adde the forfeiture of 12 pence for euerie householders absence from Church (man and woman) forenoone and after, sunday and holiday (according to the statute without sufficient cause alledged) to be duely collected by Churchwardens and other appointed to that end, with the like regard for Wednesday suppers: there would be sufficient releefe for the poore in all places. . . ." <sup>95</sup>

Ecclesiastical courts sometimes condemned offenders to pay a fine for the use of the poor.<sup>96</sup> Sometimes they commuted a penance for money to go to church-repair or to the parish poor.<sup>97</sup> The churchwardens or overseers of the

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the value of the chrisom offerings is 40s.). See *Introd. to St. Edmund and St. Thomas, Sarum, Acc'ts*, p. xix.

<sup>94</sup> See p. 27 *supra*. Also p. 35 *supra*.

<sup>95</sup> *Provision for the poore now in penurie Out of the Store-House of Gods plentie, Explained by H. A[rth]*, London, 1597 (No pagination). "Wednesday suppers" refers to fasting nights appointed by proclamation or by statute. A not uncommon entry in the act-books is "no levy of the fyne of 12d." See, e. g., *Manchester Deanery Visit.*, 57, *et passim*. *Barnes' Eccles. Proc.*, 119, *et passim*. *Hale, Crim. Prec.*, *passim*. Cf. in *Bishop Stortford Acc'ts* (J. L. Glasscock, *Rec. of St. Michael, B. S.*), 64, the rubric: "Rec. of defaultes for absence" (9 names follow, each for 12d., except one for 3s.). *Dean of York's Visit.*, 215 (Hayton wardens report to commissary that they have a small sum from absentees yet undistributed to the poor: "But it shalbe shortlie". 1570).

<sup>96</sup> See examples in note 32, pp. 19 *supra*.

<sup>97</sup> *Warrington Deanery Visit.*, 189 (Penance of three days standing in white sheet for fornication commuted—the offender "*humiliter petens*"—to 13s. 4d. to be paid to vicar and wardens of Ormschurch to be distributed to poor, etc.). *Hale, Crim. Prec.*, 232–3 (Commutation of a penance for having a bastard into £5 to be paid for the repair of St. Paul's, London, and also into 34s. 4d. to be paid to wardens of Horndon-on-the-Hill for the poor. 1606). See also *Chelmsford Acc'ts*, 212 (20s. received in 1560 "toward the paynge of oure church for part of his penance"). *Abbey Parish Church Estate Acc'ts*, s. a. 1578 (20s. received for a "purgation" to go to parish poor and to church).

poor accounts also mention fines received for profanation of the Sabbath and for offences during service time.<sup>98</sup> The Star Chamber often condemned offenders, especially enclosers of cottage land and engrossers of corn, to fines for the benefit of the poor.<sup>99</sup> Finally, most parishes derived some income from fining men various sums for refusing parish offices; for neglect of duty when in office; and for not attending duly called vestry meetings. Sometimes a parishioner would pay down a large lump sum for exemption forever from all offices served by the parishioners.<sup>100</sup>

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For regulation of the practice see *Canons of 1585*, Cardwell, *Syn.*, i, 142. Same, *Doc. Ann.*, i, 415 (Whitgift's Articles of 1584). The practice roused the ire of Puritanical contemporaries. *E. g.*, Hale, *op. cit.*, 184 (An offender says to the court "that he is molested and called only for money & that the word of God doth allowe noe money for absolution [etc.] . . .". 1584). *Ibid.*, 187 (An offender says to the archdeacon's registrar: "You daube upp adulteries and whoredomes for monye". 1585). Stubbes, *Anatomie of Abuses* (ed. 1595), 66 (Ecclesiastical hierarchy should beware of maintaining stews, etc.).

<sup>98</sup> For some interesting receipt items see *The Westminster Tobacco Box*, Pt. ii, *Overseers Acc'ts*, 18 ff. (Fines in 1569 from a player beating a drum in service time; for selling coals on Candlemas day; for selling wood on Sunday; for driving a cart on that day, etc. In 1570 fines are received for retailing during service time, from proceeds of forfeitures of pots and dishes, etc., etc.). Wandsworth *Acc'ts*, *Surrey Arch. Coll.*, xviii, 146 (Receipts for 1599 from fines for bricklaying on Sunday; for being in ale-house at service time—a number).

<sup>99</sup> See John Hawarde, *Les Reportes del Cases in Camera Stellata*, 1593-1609 ed. W. P. Baildon (1894), *passim*. *E. g.*, p. 91 (Offender fined £10 to use of poor for not laying sufficient ground to his cottages). *Ibid.* (Ed. Framingham, of Norfolk, fined £40 to use of poor for same offence. Oct. 14th, 1597). *Ibid.*, 71 (Council commend a justice of the peace for condemning a Wilts engrosser to sell his corn to the poor 8d. under the price he paid for it).

<sup>100</sup> Some examples taken from many are North, *St. Martin, Leicester, Acc'ts*, 119 (Agreement in 1571 by mayor and brethren to fine one refusing to be warden for the first year 10s. to the use of the church). *Ibid.*, 142 (This fine raised in 1600 to 20s.). *St. Edmund and St. Thomas, Sarum, Acc'ts, Introd.*, p. xi, and *St. Edmund's Acc'ts*, 121, 129. *Mere Acc'ts*, 26 (Parish order of 1556-7). *St. Margaret, Lothbury, Minutes*, 33 (An offer from a parishioner in 1595 of £10 for church repair, "condicynellie that the parish would dispence with him for the church warden, Officers and cunstable . . ."). *Ibid.*, 36 and 45 (Two parishioners each pay £10, being exempted thereafter "from all services as Constablenesship, Churchwarden, syde men and any other offices whatsoever that the parish myght . . . hereafter Impose upon them . . .". 1607). *Memorials of Stepney*, 44 (Fine for not attend-

Yet another irregular but appreciable means of revenue might be classed under the heading of *Miscellaneous Receipts*.

As the parishioners were always eager to turn an honest penny for their own benefit, no possible source of receipts was neglected. If, for instance, any part of the church or the church premises might, temporarily or permanently, be rented out without drawing upon the community the censure of the ordinary, the parishioners were happy to do so. Owners of structures of any kind encroaching upon the churchyard, or other church land, were promptly made to pay for the privilege.<sup>101</sup> Occasionally parishes derived more or less large sums from the sale of parish valuables. The sale of costly vestments, embroideries, hangings, images, chalices, pyxes and other church furnishings and ornaments condemned as superstitious by the Anglican church, brought some income to the wardens of most parishes during the first years of Elizabeth. Examples will be found in all the accounts. Now and then, too, a parish would make a large sum from the sale of the wood or other

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ing vestry. 1602). *Clifton Antiq. Club*, i (1888), 198 (40d. fine for absence from St. Stephen's, Bristol, vestry, 1524. For other fines, see *ibid.*). *Clifton Antiq. Club*, i, 195 (Same fine for absence from St. Thomas', Bristol, vestry. 1579). *St. Margaret, Lothbury, Minutes, passim* (Fines for not accounting on a certain day, and for not auditing accounts).

<sup>101</sup> Examples are found in W. F. Cobb, *St. Ethelburga-within-Bishopsgate*, London, *Acc'ts*, 5 (10s. received of a schoolmaster allowed to keep school in the belfry. 1589). *Ibid.*, same p. ("Receaved of the owte cryar for a quarters rente for settinge of goodes at the churche doore . . . iiis. iiijd . . ." 1585). The canons of 1571 forbid this practice: "*Non patientur* [sc. the wardens] *ut quisquam ex . . . istis . . . sordidis mercatoribus . . . quos . . . pedularios* [peddlars] *appellant, proponant merces suas vel in coemeteriis vel in porticibus ecclesiarum* [etc.] . . .", Cardwell, *Syn.*, i, 124. St. Michael's, Lewes, *Acc'ts*, *Sussex Arch. Coll.*, xlv (1902), 40, 60 ("Recd for sarttayn standyngs agaynst the cherche at Whytson fayar xvd." 1588). Similar items to the last are found in many accounts. See also *St. Mary the Great*, Cambridge, *Acc'ts*, 215 (Receipt items "for the chirch style before his house"; for the rent of the "p[ar]ishe ground wherevpon his chymney standythe". 1588). *Ibid.*, 203 ("Yt ys also agreyd that goodman Tomson shall from hence forthe paye vnto the p[ar]yshe for hys byldynge into the Churche yarde 12d. by the yeare." 1584).

products of parish lands.<sup>102</sup> A fairly common item in city parishes especially were fees paid for licences to eat flesh during Lent and on other legal fast days.<sup>103</sup>

When an Elizabethan parish undertook some work on a great scale, such as the rebuilding of its church, or of the church steeple; or, again, when it had suffered great losses by fire or flood, it solicited through *Begging Proctors* the *Contributions of Outsiders*, sometimes from all parts of England.<sup>104</sup>

To terminate our enumeration of means of raising money, or of contributions of all sorts on which the wardens could count (as apart from rates, properly so-called), we might mention *Fixed Contributions*, of money or of labor, issuing out of certain tenements; and *Annual Payments to Mother Churches*. Certain lands or houses, generally abutting on the church grounds, had fixed upon them the obligation to repair a certain portion of the churchyard enclosure, Tene-

<sup>102</sup> Thus in 1561 Kingston-upon-Thames church sold brushwood growing upon its land for £14 7s. 8d.: *Surrey Arch. Coll.*, viii, 77. In 1573 the wardens of St. Michael's in Bedwardine (*Acc'ts* ed. John Amphlett, p. 74) brought a suit for the value of eight trees sold to one Lode, alleging that the defendant had promised to pay the price "for the reparacions of the . . . church and reliff of the pore . . .".

<sup>103</sup> For the form and wording of such a licence see Parish Registers and Documents of Kingston-upon-Thames, etc.: *Surrey Arch. Coll.*, ii (1864), 92 (1591). The fee according to royal proclamation was 6s. 8d.: *St. Margaret, Lothbury, Vestry Minutes*, 9. For receipts from this source see *St. Ethelburga-within-Bishopsgate Acc'ts*, 5, *et passim*, as well as the other London acc'ts already cited. Cf. Cardwell, *Doc. Ann.*, i, 370-2, for Council's letter to the archbishop of Canterbury on the observance of Ember Days and Lent.

<sup>104</sup> *E. g.*, see in *St. Mary the Great, Cambridge, Acc'ts*, 227-9 and 240-2, long lists of persons from all parts of England who contributed in the years 1592-4 towards the rebuilding of St. Mary's steeple. A host of proctors licenced under the broad seal, or by the justices of the peace, or otherwise, went from parish to parish soliciting contributions for churches, alms-houses, hospitals, etc. They seem to have entered parish churches at service time and disturbed or annoyed the congregations. This probably led to the parish order of Mere, Wilts (*Mere Acc'ts*, p. 80, in *Wilts Arch. [etc.] Mag.*), which in 1585 forbade such persons going about the parish or entering the church, but enjoined them all to repair to the Mere churchwardens for contributions to be given at the expense of the parish.

ment X, so many feet of fence, Tenement Y, such a portion of brick or stone wall, and so forth.<sup>105</sup>

Sometimes also certain houses or lands are spoken of as yielding so much a year for the repair of the church and the support of the poor.<sup>106</sup> Incidentally we might mention—though hardly connected with parish finance—certain payments for church repair, etc., claimed of old by some cathedral churches from the parishes of the diocese. Originally a tax varying from a farthing to a penny for each household (hence the names “smoke farthings,” “hearth penny,” “smoke silver”), the payments were commuted for a small lump sum exacted yearly. Thus we find in the Elizabethan accounts mention of “St. Swithin farthings;”<sup>107</sup> of “Ely farthings;”<sup>108</sup> of “Lincoln farthings,”<sup>109</sup> etc., according to the *name* of the cathedral to which they were paid; or, again, of “Whitsun farthings;” of “Pentecost farthings,” etc., according to the *time* of the year at which the payments were made.<sup>110</sup> These payments must not be confused with “Peter’s pence,” which had before the Reformation been paid by English parishes to Rome.<sup>111</sup>

<sup>105</sup> At Winsham, Somerset, a document was drawn up in 1581, apportioning among certain parishioners (by virtue of their holdings), the vicar, and finally the whole parish, how many feet of wattled fence each should keep in repair, or what stiles each was to maintain: *Notes and Quer. for Somer. and Dor.*, v, 538. See a similar agreement in *Morebath* (Devon) *Acc’ts*, 38. Also in Marsh, *Hist. of Calne*, 372, the list at Calne. Here are 25 groups of houses and certain individuals charged with making and keeping the churchyard bounds. See also *Canterbury Visit.*, xxv, 34 (Suit brought before the archdeacon against the tenant of a holding whose former owners had for 40 years repaired a portion of the church fence. 1611). For presentments to the courts Christian for non-repair of church fence by individuals, see *Dean of York’s Visit.*, 214, 228, 325 (1570–1599).

<sup>106</sup> *Canterbury Visit.*, xxv, 26 (A parishioner of Herne presented for withholding 9s., “which hath always been accustomed to be paid out of a certain house and lands.” 1592).

<sup>107</sup> Early History of Kingston-upon-Thames, *Surrey Arch. Coll.*, viii, 74.

<sup>108</sup> *St. Mary the Great Acc’ts*, 148.

<sup>109</sup> *Hist. and Antiq. of Leicestershire*, by John Nichols (1815), i, Pt. ii, 569 ff.

<sup>110</sup> See in T. Nash, *Hist. and Antiq. of Worcestershire*, i, pp. lii–lvi, a long list of Pentecost, etc., farthings paid by each parish of the diocese in lump sums varying from 3d. to 3s.

<sup>111</sup> *Morebath Acc’ts* (ed. Binney), 34, s. a. 1531, seem to offer a

Lastly the mother parish church, in large parishes requiring chapels of ease, would exact (when it could) contributions from those congregations who frequented for ordinary divine worship these chapels of ease within the parish. And these exactions would be made irrespective of the fact that these congregations were bound to repair their own chapels and possessed their own churchwardens.<sup>112</sup>

When the means or expedients we have hitherto set forth were found insufficient, or impracticable, or too tardy for an emergency, the parish was compelled to resort to *Rates* or *Assessments*.

Assessments were levied in all sorts of ways and for all sorts of purposes. In an emergency, or if the sum to be raised was not large, a levy might be made by the principal men of the parish upon themselves only.<sup>113</sup> A "rate" might, however, be made to collect a very small sum, as well as a very large one.<sup>114</sup> All kinds of units or rules of assessment were resorted to from parish to parish, and (apparently) sometimes no fixed unit at all was taken,

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genuine example of such a payment of Peter's pence. But the Minchinhampton wardens (Acc'ts in *Archæologia*, xxxv, 422 ff.), confuse their payments to the mother church, made in 1575 ff., with Peter's pence. See, e. g., s. a. 1575, the entry: "to the sumner [or apparitor] for peterpence or smoke farthynges sometyme due to the Anthecriste of roome . . . xd."

<sup>112</sup> See, e. g., Sam'l. Barfield, *Thatcham, Berks, and its Manors*, ii, 122 (Midgham and Greenham called upon against their will for contributions to mother church). *Surtees Soc.*, lxxxiv, 123 (Dispute ending in a suit between St. Oswald and St. Margaret. 1595 ff.). *Memorials of Stepney*, 1-2 (Parishioners of Stratford Bow forced to contribute to St. Dunstan's, the mother church).

<sup>113</sup> E. g., the vestry of St. Christopher-le-Stocks, London (*Minutes*, ed E. Freshfield), agree to cess "the parishioners" for money to prosecute a suit for certain parish lands in 1585. When the lands were recovered each was to have his money back (*Minutes*, p. 12). But those assessed numbered only 38 (p. 13), whereas we see by a list (p. 12) that 43 persons were here assessed for the Queen's subsidy; and subsidy men were the wealthier men of the parishes. Cf. assessment at Lapworth for Barford bridge levied on 26 tenements, cottagers not being assessed. Hudson, *Memorials of a Warwickshire Parish*, 115.

<sup>114</sup> Hale, *Crim. Prec.*, 198 (One Spencer presented for not paying his proportion for the ringing on the Queen's anniversary, "being rated at iiijd."). Hudson, *op. cit. supra* (Barford bridge assessment of 4s. 4d. spread out over 26 tenements).

men's ability to pay being roughly gauged, or a man being permitted to rate himself,<sup>115</sup> or give his "benevolence."

In the wardens' accounts are frequently seen long lists of names, each being taxed at a sum varying from ½d. to three or four shillings. Such lists may represent an attempt to tax each man at ½d. or 1d. in the pound, or, likely as not, it may merely mean a crude sizing up of the ability of each to contribute.

Furthermore, a "rate" might consist in a fixed sum, the same for all, and levied by polls or by households,<sup>116</sup> say 1d. or 2d. each. Or, again, it might be levied by pews at varying sums.<sup>117</sup> Assessments to pay the parish clerk or sexton might sometimes be made in kind, and issue from households, from cottages, or from ploughlands: so much corn at Easter, so much bread, so many eggs.<sup>118</sup>

When it came to the more accurate basing of rates upon lands, or goods at a valuation, the inhabitants of the various communities observed no uniform ratio of taxation from parish to parish, nor even in the same parish, and disputes were always recurring.<sup>119</sup>

It must be borne in mind that parish financiering was largely of the hand-to-mouth variety. Indeed, it was diffi-

<sup>115</sup> *Canterbury Visit.*, xxvii, 214 (John Basset "cessed" at 2d. a quarter, but thought well able to pay 3d. for the clerk's wages. Robert Sawyer, *ditto.* 1577). *St. Margaret, Lothbury, Minutes*, 16 (ed. E. Freshfield), where in 1584 thirty-four parishioners make a "free offer" of sums from 2d. to 6s. 8d. to pay a lecturer. *Ibid.*, 10 (18 parishioners give from 1d. to £2 towards the erecting of a clock. 1577).

<sup>116</sup> Rates for bread and wine were commonly so levied. See *supra*, p. 78 and note 80.

<sup>117</sup> See p. 80 *supra* and note 87.

<sup>118</sup> Houghton-le-Spring Acc'ts, *Surtees Soc.*, lxxxiv, 271 (1596). Binney, *Morebath Acc'ts*, 34 (1531). *Ibid.*, 85 (1536).

<sup>119</sup> *E. g.*, See Hale, *Churchwardens' Prec.*, *passim*, *e. g.*, where the parishioners of Elstree ("Idlestrye"), Herts, cannot agree in 1585, some contending for assessment "by their welthe and goods only, and some others do require that the taxation might be made by the acres of ground only." *Canterbury Visit.*, xxvii, 218 (2d. an acre). *Ibid.*, xxv, 42 (4d. an acre). *Ibid.*, xxvi, 33 (Ploughland of 140 acres paying 6s. 8d. for clerk's wages). *Ibid.*, xxv, 33 (Two "cesses" at Minster church, one at 20d. the score [of pounds?], the other at 12d.). *The Reliquary*, xxv, 18 (Levy made in Morton, Derbysh., of 8d. the oxgang of 15 acres).

cult it should be otherwise, for the exigencies of the civil or the ecclesiastical authorities were constantly shifting, now a petty lump sum being required (and to be spent as soon as raised), now a great one to be disbursed in the same manner.

In conclusion, a few observations on the parish as a financial unit in connection with county government may be made. There seems to have been no general treasury at the disposal of the hundred or of the county, but merely certain treasurers charged with the disbursement of this or that special collection for this or that special purpose. A collection is made by order of the justices, for instance, in certain hundreds, or throughout the shire, for the support of the prisoners in the county gaol, and a treasurer for the fund is appointed. Or it may be that this treasurer is a more or less permanent official. And so with collections for hospitals, for houses of correction, for great bridges, etc. If the constables levied more than was sufficient for a parish, or if the contemplated disbursement turned out to be less than originally estimated, the surplus, if the justices had no immediate use for it, might be returned to that parish to go back into the pockets of the rate payers.<sup>120</sup> Furthermore, it seems scarcely accurate in Elizabethan times to speak of any *county rate*,<sup>121</sup> for there was no recognized basis of assess-

<sup>120</sup> Order of Wiltshire justices, Michaelmas, 1600, that three of their number shall call certain constables and others before them, "and examine them what overplus of money is remaining in their hands w[hi]ch they have collected of their hundredes for anie service whatsoever, and if there be anie founde remayning the said Justice to distribute the same amongst the inhabitants of the same hundredes according to their discretion." *Rec. of Wilts Quarter Sess. in Wilts Arch. (etc.) Mag.*, xxi, 85.

<sup>121</sup> According to the 22 Hen. VIII c. 5, where it cannot be known who ought of right to repair a bridge, the justices of the district shall call before them the constables of the parishes of the surrounding hundreds, or of the whole shire, and "with the assent of the . . . constables or [chief] inhabitants," tax every inhabitant of the towns and parishes of the shire (if necessary). This looks like a county bridge tax, but in practice the justices either threw a lump sum on a hundred, or on a parish, and left each parish to raise this sum according to local rating. Such, at least, would seem to be the usual practice according to the churchwardens accounts, which contain many lump payments made to constables for bridges.

ment common to all parishes, unless it were at any given time the then prevailing subsidy rate, and a rating according to the subsidy books by the justices would fail to reach many whom a parish rating might attain. As a matter of fact the justices, when they had a large sum to levy on the county at large, almost always apportioned it in lump sums among the hundreds, or among the parishes of their respective divisions, according to "the bygnes or smallnes of their parishes."<sup>122</sup> It comes, then, to all practical intents and purposes to this: that each parish is left to produce according to its own local methods, or rating, the wherewithal for carrying on county government.

While in local government itself the parishioners have practically no voice, the large measure of freedom they enjoy for the devising of ways and means to meet the demands made upon them (though they have no option whatever in granting or withholding supplies) gives to the parish a vigorous entity and a certain autonomous life of its own, which otherwise it never could have possessed over against the all-regulating and inquisitorial Tudor machinery of Church and State.

As the reign advanced the parish developed a selfish, jealous and exclusive gild life of its own, especially under the operation of the poor laws.

Non-parishioners, or "foreigners," were viewed with the strongest suspicion. Generally they were discriminated against if they happened to have dealings with the parish. Wedding or funeral fees were doubled in their cases.<sup>123</sup> If the parishioners could have had their will no alien poor could have gained a settlement amongst them—no, not even after twenty years' residence. In 1598 the West Riding, Yorkshire, justices were compelled to interfere in favor of divers

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<sup>122</sup> See Wilts justices order, 20 Eliz., *Wilts Arch. (etc.) Mag.*, xxi, 80-1. Cf. *ibid.*, 16, the appeal of Hilprington and Whaddon that they have been compelled by the inhabitants of Melkesham to pay a third part with the last named parish of these lump assessments, though the acreage of Melkesham is much greater than either of theirs, "and far better ground."

<sup>123</sup> See p. 81, note 91 *supra*.

poor persons in various parishes, where officers were seeking to expel them as vagrants born elsewhere, though they had been domiciled in their adopted communities for twenty years and upwards.<sup>124</sup>

Already that "organized hypocrisy," so characteristic of parish life in later reigns, shows itself in the many presentments of, and petitions against, persons supposedly immoral—especially single women. Not zeal for morality prompts these indictments, but fear that the community may have to support illegitimate children.<sup>125</sup> Quite typical of the times is the language held by the inhabitants of Castle Combe in appealing to the Wiltshire justices against a townswoman in 1606. They are apprehensive, they say, lest "by this licentious life of hers not only God's wrath may be powered downe uppon us . . . but also hir evill example may so greatly corrupt others than great and extraordinary charge . . . may be imposed uppon us."<sup>126</sup>

Few laws on the statute book were so frequently enforced as the 31 Eliz. c. 7, which required four acres to be laid to every cottage to be constructed, for there was a powerful local backing behind the law. When John Fletcher, "a meere stranger lately come into this Parish with his wife and children," took certain parcels of land in Severn Stoke in 1593, and was suspected of the intention to build a cottage without laying to it the requisite number of acres, the parishioners immediately complained to the Worcester jus-

<sup>124</sup> John Lister, *West Riding Session Rolls*, 85. As early as 14 Eliz. c. 5, sec. 17, city or parish officers might remove alien poor to their places of birth, if such aliens had resided in their adopted parishes not longer than three years.

<sup>125</sup> J. W. Willis Bund, *Cal. Worcester Quar. Sess. Rec.*, i, p. clxxxii. The appearance of a bastard was a portentous event. See the many ridings to and fro across country to ecclesiastical and civil magistrates in the *Ashburton Acc'ts* (Butcher, *The Parish of Ashburton*), p. 47 (1576-7). The Devonshire justices order, Easter 1598, that every woman who shall have a bastard child shall be whipped: Hamilton, *Quarter Session from Eliz. to Anne*, 32. Cf. the item: "paide for carriage of an Irish woman into Fynsburie feildes who was delivered of a childe under the stockes." Brooke and Hallen, *St. Mary Woolnoth and St. Mary Woolchurch Haw* (London) *Acc'ts*, s. a. 1587.

<sup>126</sup> Wilts Quart. Sess. in *Wilts Arch.* (etc.) *Mag.*, xxii, 17.

tices, for they wanted to provide against the contingent liability of having to support the inmates.<sup>127</sup> Four acres was then the quantity considered necessary to maintain a man and his family. It was an indictable offence to sublet, for then there would be two families where only one was before. Nor could lodgers be taken, for such increase of the inmates of the house would surcharge the land.<sup>128</sup>

In short, that feeling of distrust and discrimination against the outside world, which, in the 18th century, led a Lancashire vestry to dub all outsiders "foreigners,"<sup>129</sup> is already fully developed by the end of the 16th century. But we must also recognize that this feeling engendered in the parish itself solidarity of interests, close fellowship and local spirit.

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<sup>127</sup> Willis Bund, *loc. cit. supra*, p. 8. From 1599 to 1642 there were twenty-four indictments for not laying four acres to a cottage at the Worcester sessions. *Ibid.*, Table of indictments for all offences, p. lvii ff. Cf. Wilts Quarter Sess. Rec. in *Hist. MSS. Com. Rep. on Var. Coll.*, i (1901), 66. W. J. Hardy, *Herts Co. Rec. Sess. Rolls* (1905), i, 5, *et passim*. *Norfolk Archæology*, x (1888), 159. *Les Reportes del Cases in Camera Stellata* (ed. W. P. Baildon), *passim*.

<sup>128</sup> Bund, *loc. cit.*, p. clxxxiii.

<sup>129</sup> Geo. A. Wade, *An English Town that is still ruled by an Oligarchy* (Dalton-in-Furness), *Engl. Illust. Mag.*, xxv (1901).







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